



# SOULE, LESLIE, KIDDER, SAYWARD & LOUGHMAN

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November 9, 2017

**VIA FEDERAL EXPRESS**

Roxanne Juliano, Assistant Director  
NH Commission for Human Rights  
2 Industrial Park Drive  
Concord, NH 03301-8501

Re: Jay Sweet v. Town of Chester  
HFS 0218-17

Dear Assistant Director Juliano:

Enclosed please find the Town of Chester's Response to the Charge of Discrimination filed by Jay Sweet. I hereby certify that a copy of the Response has been sent to Jay Sweet.

Sincerely,

Diane M. Gorrow  
E-mail: [gorrow@soulefirm.com](mailto:gorrow@soulefirm.com)

DMG:sds  
Enclosure

Cc: Jay Sweet, 96 Towle Road, Chester, NH 03036  
Debra Doda, Administrative Assistant (via e-mail only)

COPY

NEW HAMPSHIRE COMMISSION FOR HUMAN RIGHTS

Jay Sweet v. Town of Chester  
HFS 0218-17

**TOWN OF CHESTER RESPONSE TO CHARGE OF DISCRIMINATION**

NOW COMES the Town of Chester, by and through its attorneys, Soule, Leslie, Kidder, Sayward & Loughman, P.L.L.C., and responds to the Charge of Discrimination as follows:

**Respondent's name, legal status, address, and Respondent's counsel.**

The Town of Chester has a principal address of 84 Chester Street, Chester, New Hampshire 03036, and is a municipal corporation organized and existing under the laws of the State of New Hampshire. The Town is represented by Diane M. Gorrow, Esquire, Soule, Leslie, Kidder, Sayward & Loughman, PLLC, 220 Main Street, Salem, New Hampshire 03079, (603) 898-9776.

**The Town's Specific Responses to the paragraphs in the Charge of Discrimination:**

1. The Town has insufficient knowledge or information as to the age of Jay Sweet's daughters, but admits the remaining allegations in paragraph 1.
2. The Town admits the allegations in the first sentence of paragraph 1, that the Sweets are tenants of the farmhouse, and the buildings and property belong to the Town of Chester. The Town denies the remaining allegations. By way of further answer, the farmhouse is on a 200 acre parcel known as Spring Hill Farm. The farmhouse was built in 1850. The property includes a barn, several outbuildings, two small ponds, a brook, 25 acres of fields, and the rest of the property is forest with wood roads and trails used by hikers, hunters, and horseback riders. The forest was logged in the 1990s and may still have significant timber value. Spring Hill Farm includes a second 200 acre parcel

of land located about five miles away. The second parcel has approximately ten acres of open field and the rest is forested. The fields are hilly and used primarily for hay production and wildlife management. There are a few apple trees near the public entrance, and several wood roads and trails used by hikers, hunters, and horseback riders.

In 1995, Muriel Church conveyed Spring Hill Farm to the Town of Chester with the condition that it must be preserved as open space in perpetuity and to the extent possible as a working farm. Miss Church also established a private trust, The Muriel C. Church - Spring Hill Farm Trust, to provide an endowment to support Spring Hill Farm. The Trust was formed with the intended purpose to create a governing entity to assure the preservation of open space, the ongoing use for agriculture and animal husbandry, forestry, education, and recreational uses of the farm to the public benefit. Ms. Church wanted “the Farm to be operated at no net loss to either the Town or the Trust to the extent possible, and that the Farmer not be compensated by the Town or by the Trustees, but to earn his living from the farm operation.” The Muriel C. Church – Spring Hill Farm Trust, Section 3.2. Ms. Church’s conveyance of Spring Hill Farm to the Town was subject to a conservation easement she granted to the Rockingham County Conservation District. The conservation easement assures that the farm and lands are preserved as open space in perpetuity. The Town is responsible for maintenance of the property. If requested by the Selectmen, the Spring Hill Trustees administer the day-to-day operations of the farm in accordance with all the restrictions on the property. Otherwise, the Town operates Spring Hill Farm.

Since 1997, the Town in its budget or in separate warrant articles has spent \$138,100.41 to maintain the farm. The Town’s population is approximately 4,825 and its operating budget in 2017 was \$4,323,811.

Neither Complainant Jay Sweet nor his wife Angela are full-time farmers. Jay Sweet is a structural engineer and Angela Sweet is a photographer. The farm is not self-sustaining and is not a working farm.

3. The Town admits that the rent amount in the Sweets' leases with the Town was \$850 a month. By way of further answer, the Sweets most recent lease was for a one-year term commencing on September 1, 2016 and which terminated on August 31, 2017. The Sweets have refused to vacate the property even though the lease term ended. The \$850 rent is below market value and did not increase since March 1, 2014, when the Sweets first leased the premises.

4. The Town denies the allegations. By way of further answer, by letter dated June 29, 2017, the Selectmen informed the Sweets that they would not be renewing the lease agreement which was terminating on August 31, 2017. The Selectmen sent the Sweets the letter as a courtesy to give them additional time to find a new place to live. The landlord-tenant statute, RSA 540, only requires a thirty-day eviction notice. The Selectmen informed the Sweets that in July they would receive a formal notice to quit to terminate their tenancy on August 31, 2017. On July 13, 2017, the Sweets were served with Eviction Notices as required by RSA 540 because the Town was removing the premises from the rental market.

5. The Town admits that Richard Trask is Chairman of the Board of Selectmen but denies the remaining allegations. By way of further answer, over the years residents and Town boards have debated how to utilize Spring Hill Farm to fulfill Ms. Church's intent and to make the farm self-sustaining. More recently, in January 2016, the Board of Selectmen began reassessing the use of Spring Hill Farm in light of its original purpose and the current management and fiscal structure. At that time, 100% of the rent monies received from the Sweets went directly to the Trust. At the Selectmen's February 18, 2016 meeting, Selectman

Trask said he wanted to see more promotion of public utilization of Spring Hill Farm with, for example, sleigh rides and a petting zoo.

At their August 18, 2016 meeting, the Selectmen voted to renew the Sweets' lease and agreed with the Trustees of Spring Hill Farm that the rent would be paid to the Town going forward. Selectman Buckley is a liaison to the Spring Hill Farm Trust and attends the Spring Hill Farm Trustee meetings. The Sweets also attend the Trust meetings. At the August 18, 2016 Board of Selectmen meeting and at several Trust meetings, Mr. Buckley told the Trustees and Sweets that he and the Board of Selectmen wanted to see the farm become more self-sustaining, to be a "working farm" as Ms. Church wanted, and that the Board of Selectmen wanted a farm management plan.

At the Selectmen's October 13, 2016 meeting, the Selectmen reminded the Trustees they need to create a budget and farm management operating plan for farm operations and submit it at the beginning of the year. The Selectmen voted to split the rent monies with 45% going to the Town and 55% to the Trust for farm operations with proven work by the Trust and Sweets to develop an operating plan for the farm. Selectman Buckley voted in favor of the motion as long as the Trustees developed a written plan and goals to increase revenue. Prior to the Selectmen's vote, there was a discussion of various activities that could be conducted by the farm such as hayrides, learning about goats, selling hay, or a museum. Mr. Myette, a Trustee, noted that for the farm to provide agri-tourist activities, a full-time farmer is needed and the current tenant is not a full-time farmer. Mrs. Sweet is a photographer and Mr. Sweet is a structural engineer.

At their October 27, 2016 meeting, the Selectmen were of the opinion that the farm was not currently operating as a working farm which needed to be addressed.

At the Selectmen's December 8, 2016 meeting, Selectman Buckley said he had spoken to a resident who expressed interest in leasing land at Spring Hill Farm, but that request was denied due to the Sweets' residence. The Selectmen were concerned that the Sweets' tenancy was causing Spring Hill Farm not to be as well utilized as it could be and that one of the Trustees had opposed providing a plan. The Selectmen discussed that they would not renew the Sweets' lease next year unless a plan had been submitted.

At the Selectmen's April 27, 2017 meeting, it was reported that the Veterans Chapel Farm project was interested in using some of Spring Hill Farm land for farming. The Selectmen wanted to see the farm being used actively and generating revenue. Selectman Buckley said he would address the subject at the next Spring Hill Farm meeting.

The Selectmen did not receive the expected farm management plan to show how the Trust would manage the farm as a working farm and increase its shrinking fund balance. The Selectmen found it very difficult to work with the Trust to find new ways to manage the farm with a tenant in the house who consistently rejected any attempt to utilize the farm land for other uses. For instance, the Sweets kept all hay from the farm with a value of \$7,500 to \$10,000 a year without paying for it under a verbal arrangement with the Trust. The Sweets did not want to change that arrangement and resisted ideas for farming that would use fields for uses other than hay.

Therefore, at their June 8, 2017 meeting, the Selectmen voted not to renew the Sweets' lease. Prior to the vote, the Selectmen discussed that Ms. Church wanted to have Spring Hill Farm continue as a working farm and the Trustees and tenants were unwilling to make efforts to generate revenue.

At the Selectmen's July 6, 2017 meeting, Spring Hill Farm Trustees wanted to discuss the Selectmen's decision not to renew the lease. Selectman Buckley explained that he had informed the Trustees multiple times over the past year that the farm needed a plan to increase revenue and without

that the lease might not be renewed. He stated that the farm had lost money every year, and a “working farm” does not lose money every year. Vice Chairman Cannon questioned why a tenant was needed at all, especially one who did not farm. He stated that there’s a cost to maintaining the farmhouse for the benefit of a tenant and without a tenant, there will be fewer expenses. He felt that without a need for funds to maintain the farmhouse, the Trustees and Selectmen could work together to run the farm in a collaborative fashion. The Selectmen also explained that they wanted to provide the tenants as much notice as possible so they could find another residence.

On July 17, 2017, Jay Sweet requested that the Selectmen rescind their decision not to renew the lease. The Selectmen placed Mr. Sweet’s request on the agenda for their August 17, 2017 meeting.

At the August 17, 2017 Board of Selectmen meeting, Jay Sweet wanted to know why the Selectmen had not spoken with him or the Trustees first, and complained that he only received 58 days notice to vacate. Chairman Trask explained that the Selectmen did not plan to rent the farmhouse any longer and provided two months notice which was twice the legal requirement of thirty (30) days. Selectman D’Angelo explained that the Town’s taxpayers had put about \$138,000 into the property over the years and the Selectmen had decided to not rent the house while deciding on future plans. Chairman Trask explained that the farmhouse would cost less to maintain without tenants. He also added that the Selectmen had been asking the Trustees for various documents for over a year with no success, and this was an opportunity for the Sweets to produce information that would allow the Selectmen to reconsider their decision. Jay Sweet said he had a farm management plan that he would read out loud. When asked by Chairman Trask to look at his plan, he refused to provide a copy unless the Selectmen first renewed the lease. At no time during that meeting did the Sweets complain that

the Town was not renewing the lease because they had children. However, Mr. Sweet made it clear that he would not vacate the property and would be there on September 1.

After the August 17, 2017, Selectmen's meeting, Jay Sweet requested to meet with Selectman Trask. Debra Doda, the Selectmen's recording secretary, attended the meeting and took notes. Mr. Sweet again asked why the Selectmen were not renewing the lease. Mr. Trask reiterated that the Selectmen believed the farm needs to produce revenue and that the Town should not be landlords. He wanted an efficient, effective, and transparent government and believed that the farm was not operating that way. Mr. Trask explained that the Selectmen have no idea what is planted nor do they see any educational components taking place at the farm. When asked by Mr. Trask about the hay bales, Mr. Sweet said he expected 50 to 75 bales per acre and estimated that he had used 1,000 bales last year and "sold some". Mr. Trask told him that the Selectmen had discussed separating the lease of the farmhouse from the remainder of the property. However, Mr. Sweet did not like the idea and said he "needs all of the hay" for his horses.

Some residents of the Town were upset by the Selectmen's decision and started a petition asking the Selectmen to renew the Sweets' lease. Residents on a Facebook page debated and speculated on the reasons for the Selectmen's decision. Dick Trask was tagged into their discussion. One resident, Randy Best, asked Dick Trask "Dick Trask, maybe you'd [sic] to let us in on what exactly is going on here. Thank you." Dick Trask responded in a series of posts that "In 20 years of running the farm the trust has only lost money. They never turned a profit on anything." "Watch the spring Hill farm meeting on demand. They are talking about renovation adding bathrooms renting trailer. Not about running a farm." "\$850 for a 3 bedroom on a large farm of which 55% goes to the trust." "This is about farming or are you saying you do not care about what Mrs. Church wanted."



After John Pepper posted “You think they’re losing money now, wait till you have to pay someone to maintain the place,” Dick Trask did post “The taxpayers in Chester are paying \$12000 per kid for the sweets’ Kidd’s to go to school. There will be a savings!” He then explained his post saying “The fear that the property will be unkept and cost us more money is just not the case. That was my point.”

6. The Town denies the allegations in paragraph 6. By way of further answer, a single posting by Dick Trask, one member of a five-member Board of Selectmen, in response to a chain of angry postings from residents was not the reason the Sweets’ lease was not renewed. Rather, after over a year of discussion and the failure of the Trust and Sweets to produce a farm management plan and a plan for a self-sustaining working farm, the Selectmen decided to no longer rent the farmhouse and to remove it from the rental market so that the Town could determine how to best utilize the property for the benefit of all residents and to make it self-sustaining.

7. The Town denies the allegations in paragraph 7.

**Defenses:**

1. The Charge of Discrimination fails to state a claim.
2. The Town is exempt under RSA 354-A:13, I(a) from unlawful housing discrimination because the Town did not own more than one single-family house that was rented.
3. The Town denies that its actions or those of its officials or employees discriminated against Jay Sweet in any way. The Town did not discriminate against Jay Sweet because he has children.
4. The Town’s actions were based on valid business reasons.

5. The Town denies that it violated any state, statute, or common law rights of the Sweets.
6. Mr. Sweet's claims are barred by the doctrines of municipal immunity, discretionary function immunity, qualified immunity, official immunity, statutory and common law immunities.
7. Mr. Sweet's alleged damages were caused in whole or in part by his own conduct and/or comparative fault.
8. Mr. Sweet failed to mitigate his alleged damages.

**Copy of the Respondent's Anti-Discrimination Policies.**

See attached Exhibit A.

**Provide a copy of an organizational chart and a statement describing the structure of any relationship to any subsidiaries or parent organizations, if applicable.**

The Town does not currently have an approved organization chart, but is in the process of drafting one. Once the organizational chart is approved by the Board of Selectmen, this response will be supplemented.

**Complete list of witnesses that support the Town's position with their name, position, and contact information, and brief description of the information each is expected to provide the investigator.**

Debra Doda  
Administrative Assistant to Chester Board of Selectmen  
Town of Chester – Town Hall  
84 Chester Street  
Chester, New Hampshire 03036  
Telephone: (603) 887-4979  
E-mail: [ROS@chesternh.org](mailto:ROS@chesternh.org)

Debra Doda has been the administrative assistant to the Chester Board of Selectmen since December 1, 2016. Since October 2005, she has also been the minute taker for the Board of Selectmen both in public and non-public sessions. Debra Doda was never part of the Selectmen's discussions about Spring Hill Farm, but was present to take their minutes almost 100% of the time. She never heard the Selectmen discuss the Sweets' children as a reason to not renew the Sweets' lease. Her understanding of the Selectmen's decision to not renew the lease was the Selectmen did not want to be landlords and wanted to remove the property from the rental market.

Cass Buckley  
Selectman and liaison to Spring Hill Farm Trust  
Town of Chester – Town Hall  
84 Chester Street  
Chester, New Hampshire 03036  
Telephone: (603) 887-4979  
E-mail: [casschesterbos@outlook.com](mailto:casschesterbos@outlook.com)

Mr. Buckley has been a Selectman since 2016. He started attending Spring Hill Farm Trust meetings right after he became a Selectman. The Trust meetings were attended by the

Trustees and Jay and Angela Sweet. About a year and a half ago, the Board of Selectmen requested that the Trust come up with a farm management plan. He communicated the Selectmen's request to the Trustees at Trust meetings. Mr. Buckley reminded the Trustees of the need for a farm management plan at every Spring Hill Farm Trust meeting he attended. The need for a farm management plan was also discussed with the Trustees at Selectmen's meetings. Mr. Buckley told the Trustees that without a farm management plan to increase revenues the Sweets' lease might not be renewed. Mr. Buckley also told the Trustees and the Sweets that the Selectmen wanted to see the farm become more self-sustaining and to be a "working farm" as Ms. Church wanted.

However, despite repeated requests for the farm management plan, the Selectmen did not receive it. Instead, the Sweets and one Trustee consistently rejected any attempt for others to utilize the farm.

The Selectmen voted unanimously to not renew the Sweets' lease. Mr. Buckley voted to not renew the lease because the Trust did not produce a farm management plan; the Trust seemed reluctant to come up with a farm management plan with the Sweets as tenants; he wanted to make the farm more accessible to Chester residents; and there would be more options available for a farm management plan without a tenant. He didn't care that the Sweets had children and their children did not come up at all as a reason for not renewing the lease.

Jack Cannon  
Vice Chair, Board of Selectmen  
Town of Chester – Town Hall  
84 Chester Street  
Chester, New Hampshire 03036  
Telephone: (603) 887-4979  
E-mail: [jcannon@prodigy.net](mailto:jcannon@prodigy.net)

Mr. Cannon has been a member of the Board of Selectmen for twelve years. Before being elected as a Selectman, he was a member of the Budget Committee. Even when he was a member of the Budget Committee over twelve years ago, the costs for the Town to maintain Spring Hill Farm have always been an issue. Last year, he spoke to the Spring Hill Farm Trustees about establishing a maintenance budget. He wanted the Trustees to develop a farm management plan to increase public access. However, the Selectmen's request was met with resistance from the Trust and Sweets.

He voted to not renew the Sweets' lease because he didn't see a good reason to have a tenant in the farmhouse. He also believes that without a tenant, the farm could be opened up to broader use by residents and could attract revenue sources. He knew the Sweets had children so he wanted the Selectmen to give them more time to find suitable housing. The fact that the Sweets had children was not the reason he voted to not renew the lease.

Jeremy Owens  
Selectman  
Town of Chester – Town Hall  
84 Chester Street  
Chester, New Hampshire 03036  
Telephone: (603) 887-4979  
E-mail: [owens.jeremy.d@gmail.com](mailto:owens.jeremy.d@gmail.com)

Mr. Owens has been a Selectman since May 2017. The Selectmen wanted the farm to be self-sustaining. The \$850 rent on a really old property did not cover costs. He and his family purchased

an older home in Chester so he knows how expensive it is to maintain an older property as a residence. The Selectmen wanted a plan for the farm to be self-sustaining but never received one.

He voted not to renew the lease because the cost of maintenance was a burden to the Town and the Town lost revenue opportunities with the Sweets as tenants. He made his decision based on the best interests of the taxpayers. He did not consider the Sweets' children's tuition costs and does not even know what those costs are.

Stephen D'Angelo  
Selectman  
Town of Chester – Town Hall  
84 Chester Street  
Chester, New Hampshire 03036  
Telephone: (603) 887-4979  
E-mail: [skd.chesternh275@gmail.com](mailto:skd.chesternh275@gmail.com)

Mr. D'Angelo has been a Selectman since June 2017. Previously, he was on the Budget Committee and was aware that the Town spent \$138,000 to maintain Spring Hill Farm. He voted not to renew the lease because he feels strongly that the Town should not be a landlord and the Town is not capable to rent properties. He was not interested in renewing the Sweets' lease or finding another tenant. He saw no benefit to the Town to have a tenant. Mr. D'Angelo wants to develop a better way to use the farm so that the farm does not continue to be a financial burden to the Town. He has visited farms owned by other Towns to see how those farms have been used and to get ideas for increasing Spring Hill Farm's revenues.

Richard S. Trask  
Selectman  
Town of Chester – Town Hall  
84 Chester Street  
Chester, New Hampshire 03036  
Telephone: (603) 887-4979  
E-mail: [dick.trask@outlook.com](mailto:dick.trask@outlook.com)

Mr. Trask joined the Board of Selectmen two-a-half years ago. He currently serves as Chairman. Mr. Trask voted on June 8, 2017, not to renew the lease for Spring Hill Farm because he did not believe the Town should be in the business of leasing property. Furthermore, the costs to make the home a suitable living environment for tenants exceeded the returns the Town could reasonably expect to recover in any reasonable amount of time from future rent revenue. Mr. Trask was also concerned that the Town's expenditures to support the Spring Hill Farm, including significant renovation costs incurred in recent years, failed to meet the public purpose standard that governs all Town expenditures. Spring Hill Farm was not generally open to the public and Jay and Angela Sweet were not operating property for any apparent public purpose or benefit. The only known farming activities occurring on the property was the harvesting of hay, which the Sweets principally used to feed their horses. Mr. Trask and all other members of the Board asked the Sweets and trust to submit a written management plan to address the Board's concerns about the imbalance between the costs the Town was incurring to maintain the property and revenue from the property. This request was made of the Sweets and the Trust on multiple occasions prior to the vote on June 8, 2017. The Trust did provide a written plan, but the plan failed to address the issues and concerns raised by the Board.

The Facebook posts Mr. Trask made from his home late in the evening on Friday, July 12, 2017, do not reflect in any way his reasons for voting not to renew the lease on June 8, 2017.

Mr. Trask's posts appeared on a Facebook page created by a resident along with an online petition asking the Board to renew the Sweets' lease at Spring Hill Farm. Mr. Trask was "tagged" into the Facebook page and asked to respond to comments posted by participants supporting the online petition. Mr. Trask responded to a number of comments, including comments from one individual in particular with whom Mr. Trask (while acting in the capacity as a selectman) has had adversarial interactions with in the past. It was in this context that Mr. Trask made the "[t]here will be savings!" post. Mr. Trask intended the post as sarcasm, which he attempted to explain in a subsequent post.

**The Town is not currently under any consent decree or conciliation with another state agency or the U.S. Department of Housing and Urban Development.**

The Sweets have, however, filed the same discrimination complaint with HUD. The HUD investigation has already interviewed the Selectmen and Town employees.

**The Town is not a federal contractor as defined by the Office of Federal Contract Compliance.**

**Additional documentary evidence to support the Town's answer.**

The Town has attached as Exhibit B documents to support the Town's answer. These documents include the lease that terminated on August 31, 2017 and minutes of Selectmen meetings which demonstrate that for over a year and one-half the Selectmen had been asking the Trust for a farm management plan and a plan for a self-sustaining working farm. However, the Spring Hill Farm



Trustees and Sweets failed to produce a farm management plan and a plan for a self-sustaining working farm.

The Town has also submitted the notes of the August 25, 2017 meeting between Jay Sweet and Selectman Trask and a May 17, 2017 e-mail exchange between Jay Sweet and Selectman Buckley.

WHEREFORE, the Town of Chester hereby requests that the New Hampshire Commission for Human Rights:

- A. Dismiss the Charge of Discrimination; and
- B. Grant such other and further relief as this Commission deems just.

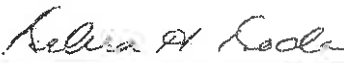
Signed under the pains and penalties of perjury this 7<sup>th</sup> day of November, 2017.

  
Richard S. Trask, Chester Board of Selectmen

THE STATE OF NEW HAMPSHIRE  
ROCKINGHAM, SS.

November 7, 2017

Then personally appeared the above-named Richard S. Trask, in his capacity as Selectman of the Town of Chester known to me, or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained, by and on behalf of the Town of Chester, before me:

  
Name:  
Justice of the Peace/Notary Public  
My commission expires:  
{SEAL}

DEBRA H. DODA, Notary Public  
State of New Hampshire  
My Commission Expires March 8, 2022

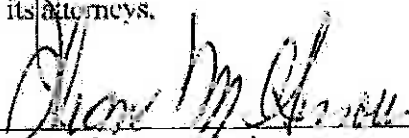
Respectfully submitted,

TOWN OF CHESTER,  
By its attorneys,

Date:

11/9/17

By:

  
Diane M. Gorrow, Esquire  
Soule, Leslie, Kidder, Sayward & Loughman, PLLC  
220 Main Street  
Salem, New Hampshire 03069  
(603) 898-9776  
E-mail: [gorrow@soulefirm.com](mailto:gorrow@soulefirm.com)

CERTIFICATE OF SERVICE

I hereby certify that on this 9<sup>th</sup> day of November, 2017, a copy of the foregoing Town of Chester Response to Charge of Discrimination was sent via first class U.S. postage prepaid mail to:

Jay Sweet  
96 Towle Road  
Chester, NH 03036

  
Diane M. Gorrow, Esquire



# EXHIBIT A

**Town of Chester  
84 Chester Street  
Chester, NH 03036**



**Personnel  
Policy Manual**

**1. AUTHORITY**

These policies and procedures are established by the Board of Selectmen for the Town of Chester, New Hampshire.

**2. EMPLOYING AUTHORITY**

The Board of Selectmen of Chester shall be the sole authority to make appointments and/or removals unless otherwise provided for by New Hampshire or Federal law.

**3. ADMINISTRATION**

The Board of Selectmen shall be responsible for the development and overall administration of this Policy Manual.

Department heads are responsible for adherence to these policies within their departments. The department heads may supplement the manual with departmental policies, specific to their departments, which are consistent with this manual. To the extent any departmental policy is inconsistent with any policy stated in this manual, this manual shall govern. Such departmental policy shall be reviewed, approved and be on file with the Board of Selectmen. Affected employees are to receive copies of new or amended departmental policies.

**4. ADOPTION OF POLICY MANUAL**

This Policy Manual becomes effective as of the date it is adopted by the Board of Selectmen. If less than whole manual is adopted, then only those portions are in effect.

**5. AMENDMENT AND CHANGES TO POLICIES**

Amendments to policies may be made at any time by the Board of Selectmen. Proposed amendments will be posted for at least 10 working days before action by the Board. The Board of Selectmen may hold a public hearing on amendments before voting on acceptance. When accepted by the Board of Selectmen, the new policy will be distributed to all employees and will supersede all old versions of this policy.

**6. EQUAL EMPLOYMENT OPPORTUNITY POLICY**

It is the policy of the Town of Chester that all persons shall receive Equal Employment Opportunities in accordance with job-related qualifications without regard to race, creed, color, sex, material status, pregnancy, age, national origin, sexual orientation, or physical and mental disabilities where those handicaps can be reasonably accommodated. Equal opportunities include, but are not limited to, employment, recruitment, training, and promotion.

## **7. AMERICANS WITH DISABILITY ACT (ADA) POLICY**

The Town of Chester will offer equal employment opportunities for qualified individuals who may have a physical or mental disability, but can still perform the essential functions of the job with or without reasonable accommodation, provided such accommodation does not impose undue hardship on the Town. Employees who require an accommodation should discuss their needs with their supervisor.

## **8. EMPLOYMENT AT WILL**

Unless otherwise provided in a written contract, signed by the Board of Selectmen, all employees are employed at will. Either the Town of Chester or the employee may end the employment relationship at any time and for any reason not prohibited by law.

## **9. SCOPE**

This manual is a compilation of the policies and procedures, which govern personnel management for the Town of Chester, New Hampshire. They apply to all paid employees, except that some provisions will be noted as being different for the police department employees. The following provisions also cover volunteers and non-compensated officials: smoking, basic work rules, safety, employment of relatives, and sexual harassment policy.

## **10. PURPOSE**

The purpose of this manual is to establish policies and procedures for the administration of personnel in the Town of Chester. Employees covered by this manual shall receive a copy of the manual and shall receive amendments as changes occur with direction as to the impact of the changes. It is the responsibility of each employee to acquaint himself/herself thoroughly with the provisions of this manual and any subsequent published versions. If an employee is uncertain regarding any provisions or terminology included in the manual, he/she is responsible to consult with his/her supervisor for clarification.

## **11. DEFINITIONS**

### **11a. EMPLOYEE DEFINITIONS**

**REGULAR FULL TIME EMPLOYEE** - An employee who usually works at least 40 hours a week.

**REGULAR PART TIME EMPLOYEE** - An employee who works less than 40 hours a week. Benefits will vary as described in this manual.

# Employment Discrimination is Against the Law in New Hampshire

The following types  
of discrimination  
are illegal:

Age

Sex

Pregnancy

Sexual Harassment

Race

Color

Religion

National Origin

Marital Status

Physical Disability

Mental Disability

Sexual Orientation



For information  
call:

271-2767

N.H. Commission

For Human Rights

2 Chenell Drive, Concord

N.H. 03301-8501

HAMPSHIRE STATE LABOR LAW



# Equal Employment Opportunity is THE LAW

## Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

### RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

### DISABILITY

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

### AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

### SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

### GENETICS

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

### RETALIATION

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

### WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected.

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at [www.eeoc.gov](http://www.eeoc.gov) or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at [www.eeoc.gov](http://www.eeoc.gov).

# "EEO is the Law" Poster Supplement

## Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations revisions

*The Disability section is revised as follows:*

### **DISABILITY**

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

*The following section is added:*

### **GENETICS**

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

*The EEOC contact information is revised as follows:*

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at [www.eeoc.gov](http://www.eeoc.gov) or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at [www.eeoc.gov](http://www.eeoc.gov).

## Employers Holding Federal Contracts or Subcontracts section revisions

*The Individuals with Disabilities section is revised as follows:*

### **INDIVIDUALS WITH DISABILITIES**

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

*The Vietnam Era, Special Disabled Veterans section is revised as follows:*

### **DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS**

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

*The following section is added:*

### **RETALIATION**

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

*The OFCCP contact information is revised as follows:*

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-0251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at [OFCCP-Public@dol.gov](mailto:OFCCP-Public@dol.gov), or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

*Mandatory Supplement to EEOC 9/02 and OFCCP 8/08 "EEO is the Law" Posters*



# EXHIBIT B

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SINGLE FAMILY RESIDENCE LEASE

DATE: September 1, 2016

In consideration of the agreements herein, the parties hereto agree as follows:

1. PARTIES: The Town of Chester, a New Hampshire Municipal Corporation with an address of 84 Chester Street, Chester, New Hampshire 03036 hereinafter called "Landlord", hereby leases to Jay and Angela Sweet, hereinafter called "Tenant", hereby leases from Landlord the Leased Premises described in Paragraph 2.

2. LEASED PREMISES/ USE: Three (3) bedroom house located at 96 Towle Road, Chester, New Hampshire (Spring Hill Farm) to be used for residential purposes only and to be occupied by the Tenant only without the written consent of the Landlord. The Landlord may, at its discretion, allow additional persons to reside at the premises but reserves the right to increase the monthly lease rate as appropriate.

3. TERM: This Lease shall be for a term of one year commencing September 1, 2016, and terminating on August 31, 2017.

4. RENT: Tenant shall pay first month's rent in the amount of Eight Hundred Fifty and 00/100 (\$850.00) Dollars on or before the first day of the effective date of this Lease. Thereafter, Tenant shall pay rent to the Town of Chester, 84 Chester Street, Chester, NH 03036 at the rate of Eight Hundred Fifty and 00/100 (\$850.00) Dollars per month on the 1st day of each month in advance so long as this Lease is in force and effect. All rent shall be paid to the Town of Chester by check mailed to the Town of Chester, 84 Chester Street, Chester, NH 03036.

5. SECURITY DEPOSIT: Tenant shall deposit with Landlord upon the execution of this Lease the sum of Eight Hundred Fifty and 00/100 (\$850.00) Dollars, to be held by Landlord as a Security Deposit to insure the full and faithful performance by Tenant of each and every term, provision, covenant, and condition of this Lease. At the termination of the tenancy hereunder for whatever cause, Landlord may use, apply, or retain all or any portion of the Security Deposit for any obligation of Tenant arising under the terms of this Lease. The Security Deposit or any portion not used, applied or retained shall be refunded to Tenant within thirty (30) days after termination of the tenancy and delivery of possession of the Leased Premises to Landlord.

6. CLEANLINESS/ ACCEPTANCE OF PREMISES: Tenant shall keep the Leased Premises in a clean condition. Tenant shall be responsible for the proper storage and the final collection and

ultimate disposal of all garbage and rubbish. Tenant shall not permit the Leased Premises to be damaged or defaced, nor suffer any waste, and shall obtain the written consent of Landlord before erecting any sign on the Leased Premises. The toilets and pipes shall not be used for any purpose other than those for which they were constructed.

Tenant hereby represents to Landlord that Tenant has examined the Leased Premises and all other matters affecting or relating to the Leased Premise including, without limitation, the nature, condition, habitability and usability of and uses to which the Leased Premises may be devoted by Tenant and accepts the same from Landlord in the condition in which the same are on the date of this Lease "as is" with no warranties express or implied by Landlord. Tenant will be responsible for any and all damages to the property during the period of the Lease or while residing in the property, whichever is greater.

7. ANIMALS: The Landlord reserves the right to limit the number and kind of animals cared for on the property. At all times the Tenant will provide reasonable and proper care to all the animals maintained on the property. The Tenant will notify the Landlord and Trust ten (10) days prior to any planned or unplanned changes to the number of animals maintained on the property. The Trust will incur the cost for feed and veterinary care associated with the upkeep of animals owned by the Landlord. The Tenant will not be compensated for any labor associated with the care of animals owned by the Landlord unless prior arrangements have been made and agreed upon in writing by the Landlord.

Spring Hill Farm Trustees (Trustees) shall be consulted and approval received, in writing, before adding any animals. During uncontrollable events, any trustee of the Spring Hill Farm Trust may give temporary approval for additional animals but this shall only be effective until such time that an official vote of the Trustees is taken to approve or reject the request. Best management practices shall be maintained for animals and property including shelter, pastures and hayfields. All domestic animals (dogs, cats, etc.) shall also receive written approval from the Trustees. All animals on the property, other than those owned by the Landlord, are the sole responsibility of the Tenant and any damages incurred by such animals will also be the sole responsibility of the Tenant.

8. GROUNDS: Tenant shall be responsible for normal grounds maintenance during the Term of this Lease. Without limiting the generality of the foregoing language, Tenant shall promptly remove snow and ice from the driveway, walks and steps of the Leased Premises, and shall keep the lawn and all shrubbery trimmed and of good appearance.

9. INSURANCE: Tenant understands and agrees that it shall be

his obligation to insure his personal property and provide premises liability insurance with minimum coverage of \$1,000,000.00, naming Landlord as an additional insured in both the personal property and liability insurance coverage. The Landlord shall carry property insurance with extended coverage for the structure and exterior liability.

10. COMPLIANCE WITH LAWS: Tenant shall not make or permit any use of the Leased Premises which will be unlawful or contrary to any applicable law or municipal ordinance (including without limitation all zoning, building or sanitary statutes, codes, rules, regulations, or ordinances), or which will make voidable or increase the cost of any insurance maintained on the Leased Premises by Landlord.

11. ADDITIONS OR ALTERATIONS: Tenant shall not make any additions or alterations to the Leased Premises without Landlord's prior written consent obtained in each instance. Any additions or alterations to the premises made by the Tenant shall become the property of the Landlord at the end of the lease term. Alterations and additions include fencing.

12. SUBLETTING; NUMBER OF OCCUPANTS: Tenant may not assign or sublet any part or the whole of the Leased Premises without first obtaining on each occasion the consent in writing of Landlord. Notwithstanding any such consent, Tenant shall remain unconditionally and principally liable to Landlord for the payment of all rent and for the full performance of the covenants and conditions of this Lease.

13. UTILITIES: Tenant shall promptly pay all utilities including but not limited to bills for fuel, heat, electricity, gas, telephone and other utilities furnished to the Leased Premises during the Term of this Lease, and shall keep the Leased Premises adequately heated during the normal heating season. Upon request of Landlord, Tenant shall promptly deliver adequate proof of the payment of utility bills to Landlord.

14. REAL ESTATE TAXES: Landlord shall promptly pay any and all bills for real estate taxes due to the Town.

15. ENTRY: Tenant shall permit Landlord to enter the Leased Premises prior to the termination of this Lease to inspect the same, to make repairs thereto (although nothing contained in this Paragraph shall be construed to require Landlord to make any such repairs), or to show the same to prospective tenants. Landlord shall also be entitled to enter the Leased Premises if it appears to have been abandoned by Tenant or otherwise, as permitted by Law.

Whenever possible, Tenant shall be informed in advance of any proposed entry hereunder of any fire within three (3) months



before the expiration of the Term of this Lease, Landlord may affix to any suitable part of the Leased Premises a notice for letting the same and Tenant shall keep such notice so affixed.

16. KEYS AND LOCKS: Locks may be changed, altered, or replaced or new locks may be added by Tenant with the written permission of Landlord. Any locks so permitted to be installed shall become the property of Landlord and shall not be removed by Tenant. Tenant shall promptly give a duplicate key to any such altered or new lock to Landlord, and upon termination of this Lease, Tenant shall deliver all keys to the Leased Premises to Landlord.

17. REPAIRS/REPLACEMENTS: Subject to applicable law, Tenant shall keep and maintain the Leased Premises and all equipment and fixtures thereon or used therewith repaired, whole and of the same kind, quality and description and in such good repair, order and condition as the same are at the beginning of the Term of this Lease or may be put in thereafter reasonable and ordinary wear and tear and damage by fire and other unavoidable casualty only excepted. If Tenant fails within a reasonable time to make such repairs, or makes them improperly, then in any such event or events, Landlord may (but shall not be obligated to) make such repairs and Tenant shall reimburse Landlord for the reasonable cost of such repairs in full, as additional rent, upon demand. Tenant may be paid, with prior approval by Landlord or Trustees as to an agreed cost, for major repairs or upgrade work of buildings. The barn and other ancillary structures are to be kept in good order by Tenant and not used for storage of personal belongings.

18. LOSS OR DAMAGE: Tenant shall indemnify Landlord against all liabilities, damages and other expenses, including reasonable attorneys' fees, which may be imposed upon, incurred by, or asserted against Landlord by reason of (a) any failure on the part of Tenant to perform or comply with any covenant required to be performed or complied with by Tenant under this Lease, or (b) any injury to person or loss of or damage to property sustained or occurring on the Leased Premises on account of or based upon the act, omission, fault, negligence or misconduct of any person whosoever other than Landlord.

19. EMINENT DOMAIN: If the Leased Premises or any part thereof, shall be taken for any purpose by exercise of the power of eminent domain or condemnation or shall receive any direct or consequential damage for which Landlord or Tenant shall be entitled to compensation by reason of anything lawfully done in pursuant of any public authority, then this Lease shall terminate at the option of Landlord or Tenant; and such option may be exercised in case of any such taking, notwithstanding that the entire interest of Landlord may have been divested by such taking. If this Lease is not so terminated, then in case of any such taking of the Leased Premises rendering the same or any part

thereof unfit for use and occupancy, a just and proportionate abatement of rent shall be made. Any termination of this Lease pursuant to this Paragraph shall be effective as of the date on which Tenant is required by the taking authority to vacate the Leased Premises or any part thereof, provided however that Landlord shall have the option to make such termination effective upon, or at any time following, the date on which said taking becomes legally effective.

20. FIRE, OTHER CASUALTY: Should a substantial portion of the Leased Premises be substantially damaged by fire or other casualty, Landlord may elect to terminate this Lease. When such fire, casualty, or taking renders the Leased Premises or any part thereof unfit for the use and occupancy, a just and proportionate abatement of rent shall be made, and Tenant may elect to terminate this Lease if Landlord fails to give written notice within thirty (30) days after said fire or other casualty of his intention to restore Leased Premises, or if Landlord fails to restore the Leased Premises to a condition substantially suitable for use and occupancy within ninety (90) days after said fire or other casualty, provided however that nothing contained in this Paragraph shall be construed to require Landlord to make such restoration.

21. DEFAULT: If Tenant shall fail to comply with any lawful Term, condition, covenant, obligation, or agreement expressed herein or implied hereunder, or if a petition in bankruptcy has been filed by or against Tenant or if Tenant shall be adjudicated bankrupt or insolvent according to law or if any assignment of Tenant's property shall be made for the benefit of creditors, or if the Leased Premises appear to be abandoned, then, and in any of the said cases and notwithstanding any license or waiver of any prior breach of any of the said terms, conditions, covenants, obligations, or agreements, the Landlord without necessity or requirement of making any entry may (subject to the Tenant's rights under applicable law) terminate this Lease by the procedures required under NHRSA Chapter 540. If the Tenant shall be terminated as, or cease to serve as, part-time caretaker of Spring Hill Farm, Tenant shall be considered in default of this Lease.

Any termination under this section shall be without prejudice to any remedies which might otherwise be used for arrears of rent or preceding breach of any of the said terms, conditions, covenants, obligations or agreements.

22. COVENANTS IN EVENT OF TERMINATION: Tenant covenants that in case of any termination of this Lease, by reason of the default of Tenant, then:

A. Tenant will forthwith pay to Landlord as damages hereunder a sum equal to the amount by which the rent and other payments called for hereunder for the remainder of the

Term or any extension or renewal thereof exceed the fair rental value of said Leased Premises for the remainder of the Term or any extension or renewal thereof; and

B. Tenant covenants that he will furthermore indemnify Landlord from and against any loss and damage sustained by reason of any termination caused by the default of, or the breach by, Tenant. Landlord's damages hereunder shall include, but shall not be limited to, any loss of rents, accrued but unpaid prior to termination; reasonable broker's commission for the re-letting of the Leased Premises; advertising costs; the reasonable cost incurred in cleaning and repainting the Leased Premises in order to re-let the same and moving and storage charges incurred by Landlord in moving Tenant's belongings pursuant to eviction proceedings.

C. At the option of Landlord, however, Landlord's cause of action under this Section shall accrue when a new tenancy or lease Term first commences subsequent to a termination under this Lease, in which event Landlord's damages shall be limited to any and all damages sustained by him prior to said new tenancy or lease date.

Landlord shall also be entitled to any and all other remedies provided by law. All rights and remedies are to be cumulative and exclusive.

23. SURRENDER: Upon the termination of this Lease, Tenant shall deliver up the Leased Premises in as good order and condition as the same were in at the commencement of the Term, reasonable and ordinary wear and tear and damage by fire and other unavoidable casualty only excepted. Neither the vacating of the Leased Premises by Tenant, nor the delivery of keys to Landlord shall be deemed a surrender or an acceptance of surrender of the Leased Premises, unless so stipulated in writing by Landlord.

24. NOTICES: Notice from one party to the other shall be deemed to have been properly give if mailed by registered or certified mail, postage prepaid, return receipt requested, to the other party (a) in the case of Landlord, at the address set forth in the first paragraph in this agreement or any other address of which Tenant has been notified, and (b) in the case of Tenant, at the Leased Premises, or if said notice is delivered or left in or on any part thereof, provided that there is actual or presumptive evidence that the other party or someone on his behalf received said notice. Notwithstanding the foregoing, notice by either party to the other shall be deemed adequate if given in any other manner provided or recognized by law.

25. DEFINITIONS: The words "Landlord" and "Tenant" as used herein shall include their respective heirs, legatees, devisees, executors, administrators, successors, personal representatives and assigns; and the words "he," "his," "him," and "their," where

Applicable shall apply to Landlord or Tenant regardless of sex, number, corporate entity, trust or other body. If more than one party signs as Landlord or Tenant hereunder, the conditions and agreements herein of Landlord or Tenant shall be joint and several obligations of each such party.

26. WAIVER: The waiver of one breach of any term, condition, covenant, obligation, or agreement of this Lease shall not be considered to be a waiver of that or any other Term, condition, obligation, or agreement or of any subsequent breach thereof.

27. SEPARABILITY CLAUSE: If any provision of this Lease or portion of such provision or the application thereof to any person or circumstance is held invalid, the remainder of the Lease (or the remainder of such provision) and the application thereof to other persons or circumstances shall not be affected thereby.

EXECUTED as an instrument under seal in duplicate on the day and date first written above, and Tenant as an individual states under penalty of perjury that he is at least eighteen (18) years of age.

Patricia Tyrone  
Witness

Stephen D. Landau  
Stephen D. Landau, Chairman

Patricia Tyrone  
Witness

Richard E. French  
Richard E. French, Vice Chairman

Patricia Tyrone  
Witness

Joseph J. ...  
Joseph J. ..., Selectman

Patricia Tyrone  
Witness

Jack ...  
Jack ..., Selectman

Witness

Class Buckley  
Class Buckley, Selectman

Patricia Tyrone  
Witness

James ...  
James ..., Tenant

Patricia Tyrone  
Witness

Shirley Sweet  
Name: Shirley Sweet  
Tenant

Attachment: Lead Paint Notification Letter

Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards

Lead Warning Statement

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of known lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.

Lessor's Disclosure

(a) Presence of lead-based paint and/or lead-based paint hazards (check (i) or (ii) below):

(i)  Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

Age of house (1850)

(ii)  Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the lessor (check (i) or (ii) below):

(i)  Lessor has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

(ii)  Lessor has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Lessee's Acknowledgment (Initial)

(c)  Lessee has received copies of all information listed above.

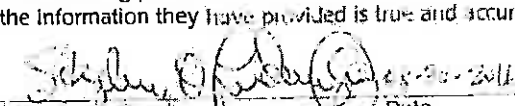

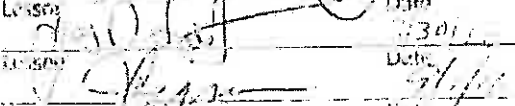
(d)  Lessee has received the pamphlet *Protect Your Family from Lead in Your Home*.

Agent's Acknowledgment (Initial)

(e)  Agent has informed the lessor of the lessor's obligations under 42 U.S.C. 4852d and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

	Date		Date
8/20/16	8/20/16	8/23/16	8/23/16
	Date	AGENT LESSOR	Date
8/23/16	8/23/16		

250 The Street Lighting budget request remained the same with last year's budgeted amount of four hundred  
251 dollars (\$4,000.00). It was noted that this budget funds the blinking lights at Town Center and the  
252 flashing 20 foot School Zone sign on Raymond Road even though these are State lands.

253 Chairman Landau inquired if any savings had been achieved via recent savings program. Selectman  
254 Treask affirmed that thirteen percent (13%) savings were seen thus far. Ms. Smith suggested leaving  
255 this budget request as-is.

256 Selectman Casbitone made a motion to move forward with the proposed Street Lighting budget; the  
257 vote was three in favor with Chairman Landau having abstained and with Selectman Cannon absent, so  
258 moved.

262 **3.1.7 Governmental Buildings 4194-1**

263 Tony Amato, Maintenance Supervisor, appeared before the Board.

264 Mr. Amato stated that he had consulted with Ms. Smith in the spirit of proposing a lower budget, as  
265 recently approved commitments had been void, due to lower energy costs. Instead, Mr. Amato cited that  
266 the Telephone, Plumber, and Gas/Oil/Diesel lines were successfully reduced in comparison with last  
267 year's budget.

268 Chairman Landau asked of the Major Projects line, which had increased from fifty thousand dollars  
269 (\$50,000) budgeted last year to seventy thousand dollars (\$70,000) requested for FY 2016/2017.  
270 Mr. Amato stated that this figure included chimney repair and roof repair for the back section of the  
271 Municipal Complex.

272 Chairman Landau noted that asbestos was known to exist throughout the back section of the Complex,  
273 which formerly comprised the Junior High wing of Chester Elementary School. Currently housing the  
274 Chester Office, a yoga room, Police gym, and Police evidence storage; Chairman Landau stated that  
275 budget funded repair of this structure a backdrop to a reassessment and development of a long-term  
276 plan of use. The possibility of requesting capital funding for repairs as addressed in a warrant article  
277 was mentioned.

278 Mr. Weider posited that a long term plan be devised. Capital funding is requested to pay for such costly  
279 endeavors. Mr. Weider suggested utilization of a 7-year bond through which funding may be obtained  
280 with a low bid bond. Mr. Lamphere responded that he thought Mr. Weider requested that associated  
281 operational or project fees and interest could provide basis for a methodology of funding and executing  
282 to get long-term projects as proposed. Selectman Treask inquired that such could ensure availability of  
283 funds via alternative financing.

284 Mr. Amato commented upon additional request increases, such as the increase in the Chester Kitchen  
285 Repair and Maintenance line justifiable by revenue received from processors. Mr. Amato noted the

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Chairman Lando made a motion that the Governmental Buildings budget request be set at two hundred eighty eight thousand, one hundred and thirty five dollars (\$238,135.00), the South to North Plaza Projects line to fifty thousand dollars (\$50,000.00), and bid for SHP Maintenance bid to three thousand dollars (\$3,000.00). Vice Chairman Hogan seconded the motion. The vote was three in favor with Selectman Trask having abstained and with Selectman Cannon absent; so moved.

3.1.2 Stevens Hall 4294-2

No discussion occurred as the Stevens Hall budget request remained level to last year's budgeted amount.

Selectman Catherine made a motion to move forward with the Stevens Hall budget as requested; the vote was four in favor with Selectman Cannon absent; so moved.

Mr. Amato, Mr. Lamphers, and Mr. Weider departed the meeting at 9:10pm.

IV Selectmen's Business

d.1 Roundtable

Chairman Lando reminded the Board that implementation of a five dollar (\$5.00) Convenience Fee be approved to move forward with enabling building and Trade permits be offered online, as "ePermits."

**Town of Chester  
Board of Selectmen's Meeting  
Thursday, February 18<sup>th</sup>, 2016  
Municipal Complex Meeting Room  
Approved Minutes**

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**I Preliminaries**

- Call the Meeting to Order
- Roll Call
- Pledge of Allegiance
- Chairman's Additions or Deletions
- Public Comment (10 Minutes)
- Approval of Minutes
- Appointment: Rich Antoine, Fire Chief
- Warrant Articles
- Public Comment
- Roundtable
- Non-Public Session
- Meeting Adjournment

*1.1 Call to Order*

Stephen O. Landau, Chairman, called this meeting of the Town of Chester Board of Selectmen to order at 7:06pm.

*1.2 Roll Call*

Selectmen Present:

- Joe Castricone
- Joseph Hagan, Vice Chairman
- Stephen O. Landau, Chairman
- Dick Trask

Selectman Absent:

- Jack Cannon

Members of the Public present, at various times:

- |                                    |  |
|------------------------------------|--|
| Rich Antoine, Fire Chief           | Phil Gladu, Fire Department                          |
| Richard Bellemore, Fire Department | Richard LeBlanc, Spring Hill Farm Trustee            |
| Gregory Bolduc, Fire Department    | Matt Rittenhouse, Tri-Town Times                     |
| Ben Clark, Fire Department         | Leroy Scott  |
| Colin Costine                      | Jay Sweet, Spring Hill Farm                          |
|                                    | And Other Persons Unknown to the Recording Secretary |

*1.3 Pledge of Allegiance*

Chairman Landau led the attendees in the Pledge of Allegiance.

*1.4 Additions and Deletions*



54 Chairman Landau reversed the order in which the New Business items on this evening’s Agenda would  
55 be addressed; to begin with Rich Antoine, Fire Chief; in a brief non-public session on employment under  
56 RSA 91:A3 II (a), and to follow with warrant articles.

58 *1.5 Public Comment*

60 Leroy Scott stood and was recognized. Mr. Scott posited that the Board only held discussions on the Fire  
61 Department in non-public session; and questioned why such appointments were not being listed on the  
62 Agenda as non-public. Chairman Landau noted it to be Chairman’s privilege to determine how items are  
63 listed on the Agenda; and per coursework, this was how subject matter specified in RSA 91:A3 II was to  
64 be handled. Mr. Scott pointed that, as an entity serving the Public, the Board ought to extend the  
65 courtesy of specifying which Agenda items would be non-public.

66 **II Old Business**

68 *2.1 Approval of Minutes*

70 Minutes were not discussed this evening.

72 **III New Business**

74 *3.1 Appointment: Rich Antoine, Fire Chief*

76 Chairman Landau made a motion to enter into non-public session under RSA 91:A3 II (a) on  
77 employment, to be finished by ~7:18pm; Selectman Castricone seconded the motion. The vote was four  
78 in favor with Selectman Cannon absent, so moved. The meeting room was closed at 7:08pm; Rich  
79 Antoine, Fire Chief and Gregory Bolduc of the Fire Department remained and appeared before the Board.

82 Chairman Landau made a motion to come out of non-public session; the vote was four in favor with  
83 Selectman Cannon absent, so moved.

84 Selectman Castricone made a motion to not seal the minutes of the non-public session with Mr. Antoine  
85 and Mr. Bolduc; Selectman Trask seconded the motion. The vote was four in favor with Selectman  
86 Cannon absent, so moved.

88 The meeting room reopened and the meeting reconvened general session at 7:21pm. It was announced  
89 that minutes of this non-public session were not sealed; and that the Board accepted Mr. Antoine’s  
90 nominations for Fire Department promotions. Mr. Bolduc was chosen to serve as Deputy Chief; two (2)  
91 new Captains will be Ben Clark and Phil Gladu; and Lieutenants will be Richard Bellemore, Eric Emerson,  
92 and Buddy Menard. Promotional ceremonies are to take place in two (2) weeks, during the Selectmen’s  
93 meeting on Thursday, March 3<sup>rd</sup>, 2016 at 7pm in the Meeting Room.

96 *3.2 Warrant Articles*

98 *3.2.1 Fire Department (FD)*

100 **[E]** *To allocate up to ten thousand dollars (\$10,000.00) of rescue transport revenue to EMS Supplies*  
102 *and Equipment line of the FD budget; and to place any additional rescue transport revenue in the*  
*general fund.*

104 Board members present quickly agreed that this item would be better addressed by means of the FD  
budget.

106 Selectman Castricone made a motion to not move forward with this warrant article; Vice Chairman  
108 Hagan seconded the motion. The vote was four in favor with Selectman Cannon absent, so moved.

110 **[G]** *To purchase two (2) LifePak 15 defibrillator units for a total of sixty-two thousand dollars*  
112 *(\$62,000.00); possibly expended from the CIP.*

114 Selectman Castricone made a motion to move this warrant article forward; Vice Chairman Hagan  
seconded the motion. The vote was four in favor with Selectman Cannon absent, so moved.

116 **[H]** *To lease and equip a three thousand (3,000) gallon tanker truck with minimum of one thousand*  
118 *gallon per minute (1,000 GPM) pump; at a cost of ~three hundred and seventy thousand dollars*  
*(~\$370,000.00), no payment due in 2017.*

120 Mr. Antoine, Mr. Bolduc, Ben Clark and Phil Gladu of the Fire Department appeared before the Board.  
122 Mr. Clark explained that the existing tanker was twenty-six (26) years old; and did not meet various  
124 NFPA (National Fire Protection Association) standards for safe and/or effective operation. For example,  
126 lack of an interlock feature has already allowed unintended forward/backward rolling of Tanker 1 to  
occur; one instance was noted in which an officer from another town was barely missed by unintended  
rolling of the tanker. The current five hundred gallon per minute (500 GPM) capacity has proven  
deficient in keeping up with hitching/large flow operations.

128 Chairman Landau asked if the CIP contained any such funds, Selectman Trask believed that although the  
CIP permitted acquisition of a tanker, it was unlikely that ample funds existed. As a means for level-  
130 funding, Chairman Landau suggested forty thousand dollars (\$40,000.00) annually be earmarked and  
placed in the CIP, starting this year; as CIP interest / incoming impact fees wouldn't be enough.  
132 Chairman Landau asked of the resale/trade value of Tanker 1; Mr. Clark will determine this and report  
back to the Board as soon as possible.

134 Selectman Castricone made a motion to move forward with the purchase of a new tanker, pending how  
136 to finance it; Vice Chairman Hagan seconded the motion. The vote was three in favor with Selectman  
Trask having abstained and Selectman Cannon absent; so moved. Mr. Clark and Mr. Antoine are to  
138 report back to the Board as soon as availability of CIP funds / updated cost estimates for new tanker /  
estimated resale value of Tanker 1 are determined.

140 **[I]** *To allow additional funding of Personal Protective Equipment (PPE) of twenty thousand dollars*  
142 *(\$20,000.00).*

144 Selectman Castricone made a motion to move forward with this article; Selectman Trask seconded the  
motion. The vote was four in favor with Selectman Cannon absent, so moved.

146 **[J]** *To replace forestry truck by leasing cab and chassis with flatbed.*

148

150 Mr. Bolduc outlined a tentative plan to conserve funds by placing a new chassis on the forestry truck  
151 (which was received as a donation and will likely last a few more years) and placing its old chassis on  
152 the utility truck. Mr. Antoine did not have cost estimates on hand, but noted that a (Ford) F550 would  
153 most likely be considered. Chairman Landau estimated such would likely cost around seven thousand  
154 dollars (\$7,000.00) per year; and a package deal may be obtained if coordinated with Police  
Department.

156 Selectman Castricone made a motion to not move forward with this article; motion was not seconded.

158 Selectman Trask made a motion to hold this article until more expense information is available. The vote  
159 was three in favor with Selectman Castricone having abstained and Selectman Cannon absent, so  
160 moved.

### 162 3.2.2 Governmental Buildings

164  To expend capital funds for the decommissioning and capping-off of old underground tanks at  
the Town Hall, as required by NH Department of Environmental Services (DES).

166 Selectman Castricone made a motion to move this article forward. Vice Chairman questioned whether  
167 any funds had been appropriated for this. It was noted by Chairman Landau and Selectman Castricone  
168 that the underground tanks and associated apparatus were already in violation of code. The vote was  
169 called; Chairman Landau abstained. The vote was three in favor with Selectman Cannon absent, so  
170 moved.

172  To obtain a utility tractor for thirty thousand dollars (\$30,000.00) or for seven thousand dollars  
173 (\$7,000.00) per year for five (5) years.

176 Selectman Castricone shared cost estimates and specifications he had recently obtained, for a  
177 Commercial-use tractor in the next category up. This model features a forty-five point three (45.3)  
178 horsepower motor, side-mount mower, brush hog, loader, set of four (4) regular wheels and a set of  
179 four (4) field-use wheels. Chairman Landau noted that this tractor would be ideal for mowing and  
180 maintaining Town fields; and a part-time employee was recently hired for such. Addition of the new  
181 model would likely prolong the life of the current tractor by reducing its wear and tear. Richard LeBlanc  
182 stood and noted that such new tractor could also be utilized for some excavation work required to place  
utility lines at Spring Hill Farm.

184 Selectman Castricone made a motion to move forward with this article; Vice Chairman Hagan seconded  
185 the motion. The vote was four in favor with Selectman Cannon absent, so moved.

### 188 3.2.3 Police Department (PD)

190  To lease and equip a new cruiser for a total of forty-nine thousand dollars (\$49,000.00).

192 Selectman Trask made a motion to move forward with this article to obtain a cruiser for forty-nine  
193 thousand dollars (\$49,000.00); Selectman Castricone seconded the motion. Chairman Landau  
194 recommended placing a vehicle allowance line in the PD operating budget, as this expense would likely  
195 recur annually; Vice Chairman added that implementation of increased PD coverage also justified annual  
196 vehicle allowance.

198 Selectman Trask made a motion to move forward with this article for \$49,000.00, but to discuss future  
200 funding of vehicles with the Budget Committee; Selectman Castricone seconded the motion. The vote  
was three in favor with Vice Chairman Hagan having abstained and Selectman Cannon absent, so  
moved.

202  To lease a new four-wheel drive (4WD) vehicle for seven thousand six hundred and forty-five  
204 dollars (\$7,645.00) annually, and to equip at a one-time cost of ten thousand dollars  
(\$10,000.00).

206 Selectman Trask made a motion to move forward with this lease at seven thousand six hundred and  
208 forty-five dollars (\$7,645.00) annually, plus the initial expense of ten thousand dollars (\$10,000.00) to  
equip vehicle. Vice Chairman Hagan seconded the motion; Chairman Landau and Selectman Castricone  
210 both abstained. The vote was two in favor with Selectman Cannon absent, so moved.

212  To add a new full-time police officer; contingent upon the denial of the PD’s request to allow  
operating budget funding of a part-time/non-benefitted detective.

214 Selectman Trask made a motion to not move forward with this article, in favor of the PD budget  
216 proposal to add a part-time detective. Selectman Castricone seconded the motion; the vote was four in  
favor with Selectman Cannon absent, so moved.

218 3.2.4 Highway Department

220  To allow five hundred thousand dollars (\$500,000.00) funding for improvements to roads newer  
than twenty (20) years old.

222 Selectman Trask made a motion to move forward with funding, but only for whatever amount remained  
of last year’s roads portion of the CIP. Richard LeBlanc stood and noted that such amount was around  
224 two hundred thousand dollars (\$200,000.00); based on this, Chairman Landau noted that taxation would  
be required to generate three hundred thousand dollars (\$300,000.00) if funding of the full sum  
226 requested by this article is to occur. Selectman Trask withdrew his motion.

228 Vice Chairman Hagan made a motion to appropriate five hundred thousand dollars (\$500,000.00) for  
improvements for roads as described (“newer than twenty years old); and to investigate how much may  
be derived from block grants and the CIP to offset. Selectman Castricone seconded the motion as a  
230 means to allow discussion; furthering that although road improvements are necessary, this article alone  
accounts for ~ten percent (10%) of the grand total of warrant article funds requested. Instead,  
232 Selectman Castricone suggested consideration of funding with bond(s). Chairman Landau noted  
instances (prior to current Road Agent) in which great expense amounted to incomplete repairs of roads  
234 which are already falling apart again. Selectman Trask pointed that time was of the essence, due to the  
likelihood that oil prices and bond interest rates alike would only rise.

236 The vote was called on this motion; it was not carried.

238  To allow one hundred thousand dollars (\$100,000.00) funding to conduct an engineering survey  
to determine future needs of roads older than twenty (20) years.

240 Chairman Landau noted that such a survey may be less expensive to conduct, perhaps closer to sixty thousand dollars (\$60,000.00); Vice Chairman Hagan added that the Board may move forward with this article conceptually, figures subject to revision. Chairman Landau suggested the Board set a figure.

242 Vice Chairman Hagan made a motion to support this article with sixty thousand dollars (\$60,000.00) appropriated to determine future road needs via survey; Selectman Castricone seconded the motion.  
244 The vote was four in favor with Selectman Cannon absent, so moved.

246  *To allow four hundred and twenty-five thousand dollars (\$425,000.00) funding to repair culverts of Edwards Mill Road, Halls Village Road, and Rod & Gun Club Road.*

248 Vice Chairman Hagan noted it was unlikely that the CIP held the full amount requested, therefore the balance would need to be appropriated. Selectman Trask suggested determining whether some three  
250 hundred eighty thousand dollars (\$380,000.00) may be used.

252 Chairman Landau made a motion to move forward with this article, using CIP funds / block grant to offset expense; Vice Chairman Hagan seconded the motion. The vote was four in favor with Selectman Cannon absent, so moved.

254  *To add to Highway CIP / CIP.*

256 Selectman Trask made a motion to pass on this article until proposed dollar figures are produced; Selectman Castricone seconded the motion. The vote was four in favor with Selectman Cannon absent, so moved.

258  *To purchase a truck for one hundred thousand dollars (\$100,000.00); possibly with CIP funds.*

260 As previously discussed, this proposal included the possibility of reassigning the used truck for use by the Maintenance Department. Chairman Landau did not believe that this dump truck with plow was essential for Maintenance purposes; and noted that it only had around fifty-five thousand (55,000)  
262 odometer miles.

264 Selectman Trask made a motion to not move forward with this article; Selectman Castricone seconded the motion. The vote was three in favor with Vice Chairman Hagan having abstained and Selectman Cannon absent, so moved.

266 Vice Chairman Hagan departed the meeting at 8:50pm; and noted he would return momentarily.

*To add funds to the Winter Maintenance capital reserve.*

268 Selectman Castricone made a motion to move forward with this article; Selectman Trask seconded the motion. The vote was three in favor with Vice Chairman Hagan having stepped away and Selectman  
270 Cannon absent; so moved.

### 3.2.5 Other Warrant Articles

272  *To allow Chester PACT (Public Access Cable TV) funding for equipment and services enabling online access of televised meetings.*

274 Selectman Trask made a motion to move forward, allowing seven thousand three hundred and eighty-three dollars (\$7,383.00) funding as requested by PACT: of which three thousand nine hundred and  
276 ninety-five dollars (\$3,995.00) will provide equipment installation; one thousand dollars (\$1,000.00) will

278 proceed general operations; and the remaining two thousand three hundred and eighty-three dollars  
(\$2,383.00) will offer online access of meetings. Selectman Castricone seconded the motion. The vote  
280 was two in favor with Chairman Landau having abstained, Vice Chairman Hagan having stepped away,  
and Selectman Cannon absent; so moved.

Vice Chairman Hagan reentered the meeting at 8:53pm.

282  To allow five thousand dollars (\$5,000.00) funding for the Town’s Three-Hundredth (300<sup>th</sup>)  
Anniversary.

284 Selectman Castricone made a motion to move forward with this article; Vice Chairman Hagan  
286 seconded the motion. The vote was four in favor with Selectman Cannon absent, so moved.

288  To allow thirty-seven thousand and three hundred dollars (\$37,300.00) funding to perform  
repairs/replacements of sills, clapboard, insulation, etc. required to bring the house at Spring Hill  
290 Farm (SHF) up to code.

At various times during this discussion, Richard LeBlanc, Spring Hill Farm Trustee; and Jay Sweet of  
292 Spring Hill Farm stood or appeared before the Board.

294 Mr. LeBlanc explained that funds appropriated last year allowed repairs to begin on the house at SHF,  
and the intent was to expend the remaining balance of those funds to add to those requested of this  
296 article. The exterior of the house will be the focus for repairs due to presence of lead and continued  
water damage. Mr. LeBlanc informed the Board that discovery of a biographical manuscript about Miss  
298 Church and SHF had inspired bringing historical preservation of SHF to a new level; plans to educate and  
engage the community were underway. Mr. LeBlanc felt that many townspeople simply were not aware  
of SHF or its offerings; and hopes that efforts of SHF Trustees and others may change that.

300 Mr. Sweet urged the Board to fully consider the breadth and depth of benefits Miss Church bestowed in  
giving the gift of SHF to the Town. Mr. Sweet opined that SHF was a prime example of what made  
302 Chester, Chester. Some four hundred (400) agricultural and wooded acres were publically available for  
walking, biking, equestrian, and many other pursuits. Mr. Sweet noted that preservation of agricultural  
304 history was a major focus for himself and Trustees; plans to utilize newly-acquired draft horses in  
nineteenth century farming and logging demonstrations were in the works. Mr. Sweet referred to the  
306 1996 Property Tax Impact Study on the effect increasing development on the tax rate; suggesting that  
SHF saved and continued to save the Town a great deal of money.

308 Selectman Castricone made a motion to move forward with this article; Chairman Landau seconded the  
motion.

310 Selectman Trask was concerned that such funding requests were indicative of “project creep;” and  
questioned what SHF truly offered the Public. Selectman Trask expressed that he would like to see more  
312 promotion of Public utilization of SHF; via offering a petting zoo or sleigh rides, for example. Chairman  
Landau commented that such offerings would likely be seen at SHF; and also noted existence of an area  
314 of five acres upon which recreational projects are welcome. Vice Chairman Hagan strongly encouraged  
consideration of placing the majority of rent monies received of the SHF tenants into the general fund  
316 once charitable trust status is finalized.

318 Leroy Scott stood and was recognized. Mr. Scott felt that it was a shame to question Miss Church’s  
logic. On a different note, Mr. Scott was honored with a round of applause as Selectman Castricone  
announced that it was Mr. Scott’s birthday.

320 The vote was called on Selectman Castricone’s motion to move forward with this article; seconded by  
322 Chairman Landau; the vote was three in favor with Selectman Trask abstaining and Selectman Cannon  
absent; so moved.

324  *To increase full- and part-time wages of eligible Town Employees; striking the COLA in exchange.  
326 The intent of this measure is to close the gap between Chester’s pay rates and those of similar  
towns in the area. This would include augmentation of part-time Police and Fire officers’ hourly  
328 pay rate to that of full-time officers; at an estimated twenty-four thousand dollars (\$24,000.00).  
The bottom line salaries budget stands at three hundred and eleven thousand four hundred and  
330 twenty five dollars (\$311,425.00) with COLA; and would be two hundred and fifty five thousand  
six hundred and seventy-seven (\$255,677.00) pending approval of wage increase and removal of  
COLA.*

332 Selectman Castricone made a motion to move forward with this article; Vice Chairman Hagan seconded  
the motion. The vote was four in favor with Selectman Cannon absent; so moved.

334  *To propose two (2) systemic alternatives to having an elected position for Road Agent, under  
whom a Highway Department is operated. The first option would involve contracting with an  
336 individual to fill the role of Road Agent, with operating budget provided; and the second option  
would involve the hiring of a qualified individual (i.e. with engineering degree) to act as Public  
338 Works Director.*

340 Chairman Landau explained that he had informed Mike Oleson, Road Agent, prior to announcing plans  
for such articles; emphasizing this was in no way a personality issue, and was strictly a means to initiate  
342 conversation and give voters a say. Mr. Oleson will serve for at least another full year, as per his term;  
regardless of pending outcome(s).

344 Selectman Castricone made a motion that Chairman Landau pursue creation of such article with the  
attorney; Selectman Trask seconded the motion. The vote was four in favor with Selectman Cannon  
absent, so moved.

346 **IV Selectmen’s Business**

348 **4.1 Public Comment**

350 No members of the Public wished to comment at this time.

352 **4.2 Roundtable**

354 Chairman Landau announced the following dates to remember:

- 356  Per RSA 39:3-6, the last day voters may present application(s) to Selectmen to conduct special  
meeting(s) will be Friday, March 11<sup>th</sup>, 2016 [sixty (60) days prior to Town Meeting].  
358  Per RSA 33:8-a, the first day public hearing(s) on bond articles over one hundred thousand  
(\$100,000.00) dollars may be hosted will be Friday, March 11<sup>th</sup>, 2016 [sixty (60) days prior to

360 Town Meeting]. The last day to host such a hearing will be Monday, April 25<sup>th</sup>, 2016. Seven (7)  
day notice of such need be provided to the Public via publication in newspaper.

362 Selectman Castricone announced that Thom Roy was now officially retired from the role of Building  
Inspector; and that Myrick Bunker was the new Building Official shared in a contract between Raymond  
364 and Chester. Updated office hours and contact information for Mr. Bunker and for administrative  
support staff could be viewed online.

366 *4.3 Non-Public Session*

368 Selectman Trask made a motion to enter non-public session, under RSA 91-A:3 II (e) pending litigation;  
370 the vote was four in favor with Selectman Cannon absent, so moved.

372 Vice Chairman Hagan reiterated the necessity that certain sensitive subject matter be conducted in non-  
public sessions.

374 The meeting room was closed at 9:52pm; with Mr. Antoine remaining.

376 Mr. Antoine departed the meeting at 10:10pm.

378 Selectman Castricone made a motion to come out of non-public session; the vote was four in favor with  
380 Selectman Cannon absent, so moved.

382 Selectman Castricone made a motion to seal the second non-public session with Mr. Antoine present,  
pending litigation, for an indefinite period; Selectman Trask seconded the motion. The vote was four in  
384 favor with Selectman Cannon absent, so moved.

386 **V Adjournment**

388 The next meeting of the Board of Selectmen is scheduled for Thursday, February 25<sup>th</sup>, 2016 at 7pm in  
the Meeting Room.

390 Chairman Landau made a motion to adjourn the meeting at 10:11pm; Selectman Castricone seconded  
392 the motion. The vote was four in favor with Selectman Cannon absent, so moved.

394 The meeting was adjourned at 10:11pm.

396 Respectfully Submitted,

398 Caroline Rose Wilson, Recording Secretary





10 Vice-Chairman Trank moved to vacate the Spring Hill Farm house; Selections Buckley  
10 seconded the motion. The vote was unanimous in the affirmative as stated.

10 Mr. Wenzley asked if the Board could finance the construction of the first house on the property. Mr. Trank  
10 replied that the Board could finance the construction of the first house on the property. Mr. Wenzley  
11 then asked if the Board could finance the construction of the second house on the property after the first house is  
11 built. Mr. Trank replied that the Board could finance the construction of the second house on the property.  
11 The Board has a master plan, but no business plan; Mr. Wenzley committed to bringing one forward and  
11 being prepared to discuss the budget.

11 Selections Buckley stated that he would like to see the farm become more self-sustaining and less of a  
11 burden on the Board. Mr. Wenzley responded stating that the farm house is the Board's responsibility and the  
11 Board is responsible for the property. Mr. Wenzley stated that the Board is responsible for the property and  
12 the Board is responsible for the property. Mr. Wenzley stated that the Board is responsible for the property and  
12 the Board is responsible for the property.

12 BOB Administrative Assistant Tysonowitz will notify the Towns to come into the BOB Office to sign the  
12 lease.

12 Mr. Wenzley departed the meeting at 7:30pm; Mr. Wenzley remained.

13 **III. New Business**

54 Chairman Landau led the attendees in the Pledge of Allegiance.

56 **1.4 Additions and Deletions**

58 A meeting with Building Inspector Myrick Bunker and two non-public sessions under caption were  
60 added.

62 **1.5 Public Comment**

64 As no Members of the Public wished to be heard, Public Comment was closed at 7:00pm.

66 **II. Old Business**

68 **2.1 Approval of Minutes**

70 This subject was not addressed tonight. There is a sheet in the Selectmen's Office on which Selectmen  
can note their approval of past minutes.

72 **III. New Business**

74 **3.1 Building Inspector Myrick Bunker/Stevens Memorial Hall - Chimney RFP - Tony Amato**

76 Chairman Landau said that Mr. Amato is sick and will not be at tonight's meeting.

78 Mr. Bunker joined the Selectmen at the Meeting table at 7:15pm. Chairman Landau, upon a quick  
80 review of the instruction to bid for Stevens Memorial Hall chimney repair, asked Mr. Bunker if he would be  
willing to rewrite the instruction to bid. Mr. Bunker agreed to do this rewrite.

82 Chairman Landau noted that there had been a check with the Bureau's position with the Town of  
84 Raymond, NH, in regards to the scheduling of the Building Inspector position. He says that Board an  
opportunity to ask Mr. Bunker questions. The Board agreed to extend the point-in-time to last week a  
86 week for six more hours.

88 Selectman Hagen moved to extend Mr. Bunker's work week to a fourth day per week for an  
90 additional six hours. Chairman Landau seconded the motion. The vote was unanimous in  
the affirmative; so moved.

92 The Board agreed to schedule Mr. Bunker to be put on the agenda for October 13<sup>th</sup>, 2016.

94 Mr. Bunker departed the Meeting table at 7:15pm.

96 **3.2 Spring Hill Farm Budget**

98 Mr. Myette, Mr. Wamsley, and Mr. LeBlanc, Trustees from the Spring Hill Farm, joined the Selectman and  
Ms. Smith at the Meeting table at 7:16pm.

100 Chairman Landau noted that there has been some discussion and questions expressed about the budget  
102 with the 501(c)(3) Charitable Trust moving forward, also about what the Spring Hill Farm (SHF) will  
104 require in the future with the money transferred from the trust now coming to the town, not going back  
into the trust.

106 Mr. Wamsley asked the Board to explain what the proposal is to the Spring Hill Farm, how much money

10     ... going back to the farms, how does the money come back to the farm and what they need to do.

11     Ms. Smith explained that the amount of the funding is related with the profits. She noted that it is up  
12     to the Board of Selectmen to determine the farm's income tax money is coming from and if they  
13     want to use SIF for the farm, it can be funded up to \$10,000 per acre. She said the Board would  
14     want to look at a Selectmen's meeting, they would need to agree on the amount to use money to SIF  
15     to the farms with a restriction on all other uses and then the Board can vote the SIF money.

16     Ms. Smith explained that the amount of \$10,000 is based on the amount of money that is being brought in  
17     from by SIF, and that that money is required to be funded through the general fund. She noted that it  
18     is an additional \$100,000 for the farm for equipment in the general government building,  
19     with \$200.00 of those funds having been spent.

20     The Board continued to discuss that any money that comes from the farm would go to SIF and then  
21     from SIF to the farm, and if the farm is not using the money, it would go back to the town. She said  
22     that if the farm is not using the money, it would go back to the town and then the town would  
23     be responsible for the money. She said that if the farm is not using the money, it would go back  
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27     then the town would be responsible for the money.

28     The Board discussed the SIF and the SIF representatives discussed and debated how the SIF trust revenue  
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49     debated how the SIF trust revenue should be handled.

50     Ms. Bette stated that what they are trying to decide is how best to do this process so that it meets the  
51     needs of the town, meets the farm's needs of the trust that it is part of, and also retains the ability  
52     to pay farm taxes that are generated without an out-of-pocket budget line so they can still manage the  
53     farm with funds that are available.

54     Mr. Wansley presented the Board with spreadsheets he had created for the years 2013 - 2016 of the  
55     finances of the farm. He asked what happens with taxes when they are a charitable trust.

56     Mr. Wansley explained to the Board that there would need to be some unencumbered money that the

160 GPF would have access to for work machines

162 The SFF Trustee, Jay Sweet, came up to speak to the Board. He said that in the past it wasn't clear who  
164 he should call for work and that he had been spending a lot of the money to maintain the road.  
166 He also said that the SFF Trustee had a lot of work to do and that he was going to  
168 make a budget for the year. He said that he was going to make a budget for the year and that he was  
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180 going to make a budget for the year. He said that he was going to make a budget for the year and that he was

168 The Board, GPF Trustees, and Mr. Sweet continued to debate whether the term is a claim on taxpayers  
170 or if the firm has saved the taxpayers \$300,000 a year. Mr. Sweet said he feared they could do work  
171 together to do what is right with the farm.

172 Chairman Eakin proposed they work out a plan, possibly involving a number of meetings made up of  
174 Board Members, SFF Trustees and funding trustees, to work out a plan for the long way to make  
176 the budget and determine if funds should be the result of SFF Trustee's meeting. He said the  
177 SFF Trustee's meeting should be held with the SFF Trustees. He said yes.

178 The Spring Hill Farm Trustees and Mr. Jay Sweet departed the meeting at 8:08

180 *17.2 - Board Update - Telephone System - Current Status*

182 Mr. Chief DeLina, Mike King, President of County State Telephone and Tom Vuochi joined  
184 the Selectman's Meeting table at 8:30pm. Mr. Vuochi presented a report on the new telephone  
186 system called it "Herald II" telephone service for the town. She said that the new system is  
188 a significant improvement over the old system. She said that the new system is  
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200 a significant improvement over the old system. She said that the new system is

192 Mr. Vuochi said that the bill for the new system is \$100,000 for the board that completes the project. She said  
194 that the board should have a meeting with the Herald II Telephone Service. She is going to give a  
195 report on the costs and the benefits of the new system. She said that the new system is  
196 a significant improvement over the old system. She said that the new system is  
197 a significant improvement over the old system. She said that the new system is  
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200 a significant improvement over the old system. She said that the new system is

196 Mr. Chief DeLina, Mr. King and Mr. Vuochi departed the meeting at 8:35pm.

198 *17.3 - Mike Olesen, Road Work - Road Updates and Snow Removal*

200 Mr. Olesen joined the Selectman's Meeting table at 8:35pm. He gave an update on various aspects  
202 of the Road Agent work stating that:

- 204 - Pulpit Rock Road has had the wear course put on it. The shoulder leveling is done,  
and the ditches are up and in the spring they will put the wear course on it. He  
206 said that the road will be done and the road can then come off the CIP.  
He has moved about 90% of the costs at Town and is still looking for the permit.  
Harvitts Lake Road culvert was replaced.  
208 - Earth cutting of ditches has been done for sight visibility.  
They have been to state and out and they got some rain.  
210 - Snow plow is a problem get out how trucks lined up for the season. He said they  
212 have some trucks for a snow dump but don't have enough for a big storm. He is

54 John Coiman of the Great Hill Cemetery Trustees, who was on the agenda, will not be in attendance  
56 tonight. Non-Public Sessions were waived, on Emergency and Requisition.

58 1.5 Public Comment

60 No Public Comment was solicited at this time.

62 II. Old Business

64 2.1 Approval of Minutes

66 This subject was not addressed tonight. There is a sheet in the Selectmen's Office on which Selectmen  
68 can note their approval of past minutes.

68 III. New Business

70 3.1 Spring Hill Farm Trustees

72 Mr. LeBlanc, Mr. Myette, and Mr. Wansley, Trustees of the Spring Hill Farm Trust, appeared before the  
74 Board to discuss the situation back to the Trust of Farmhouse rent monies.

76 The Trustees just this week with Finance Dept. for health and there is a spreadsheet showing what had  
78 been reported on Farmhouse rent monies over the past two fiscal years (since 2012). They also stated  
80 that they reported back to the Board for the 2012 Fiscal Year. These are operational items only; no  
82 budget or administrative charges are included.

84 The Trustees stated that they were not able to find an individual to buy the farm. They  
86 have been successful in finding the property but they have not been able to find a buyer. They stated  
88 that they were not able to find a buyer for the farm. They stated that they were not able to find a  
90 buyer for the farm. They stated that they were not able to find a buyer for the farm. They stated  
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106 buyer for the farm. They stated that they were not able to find a buyer for the farm. They stated

88 Mr. Myette stated that the Farm used to have a section in the Town's General Budget, but since revenue  
90 became steady, they stopped requesting money in the General Budget, and requested the amount  
92 from the Farm off of revenue and the Trust monies. However, the original 2016  
94 trust is now down to \$20K.

94 Selectman Buckley would like the Farm to draw up a plan to increase revenue. Various income  
96 producing activities have been attempted in the past, such as leasing fields, and have not been as  
98 lucrative as hoped.

98 Selectman Hogan moved to split the rent monies 60% to the Farm and 40% to the Town;  
100 Chairman Landon seconded the motion for discussion purposes.

100 Chairman Landon noted that the Town pays to maintain all its other buildings without the expectation of  
102 getting something back. He added that the arrangement was for this Fiscal Year only; next Fiscal Year,  
104 the Trustees would be requesting funding in the General Budget.

104 The question was called. The vote was two in favor with Vice-Chairman Fresh and Selectman  
106 Buckley opposed and Selectman Cannon absent; motion failed.

10.8 Vice-Chairman Trask moved to split the rent monies 50% to the Farm and 50% to the  
 10.9 Town; Selectman Buckley seconded the motion.  
 11.0 The Spring Hill Farm Trustees were not in favor of this split.  
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3.3 Tony Amato - Maintenance Update

**Town of Chester  
Board of Selectmen Meeting  
Thursday, October 27<sup>th</sup>, 2016  
Municipal Complex  
Non Public Session #3 – Pending Litigation**

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**Chairman Landau moved that the Board go into non-public session under RSA 91-A:3 II (b) Employment, (c) Reputation, and (e) Pending Litigation; Selectman Cannon seconded the motion. The vote was four in favor with Selectman Hagan absent; motion carried.**

The meeting room was closed at 7:35pm.

The Selectmen have read the Spring Hill Farm Trust documents thoroughly and have discovered that one full Trustee position (with voting rights) is supposed to be a member of, or appointed by, the Board of Selectmen. As liaison, this would be Selectman Buddey. He agreed to this. They would also like to see more residents join the Board of Trustees.

The Trust documents also mention a “working farm”; the Selectmen are of the opinion that this is not happening currently and should be addressed. The current lease cannot be amended, but any future lease with any tenant may be.

More discussion is needed on this subject.

The meeting room was re-opened at 9:12pm.

**Chairman Landau moved that the Board come out of non-public session; Selectman Buckley seconded the motion. The vote was four in favor with Selectman Hagan absent; motion carried.**

**Chairman Landau moved that the minutes to the third non-public session, on Pending Litigation, be sealed for a period of one (1) year; Selectman Cannon seconded the motion. The vote was four in favor with Selectman Hagan absent; motion carried.**

Respectfully Submitted,  
Debra H. Doda  
Recording Secretary



Town of Chester  
Board of Selectmen Meeting  
Thursday, December 8<sup>th</sup>, 2016  
Municipal Complex  
Non Public Session #1 – Spring Hill Farm

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Chairman Landau moved that the Board go into non-public session under RSA 91-A:3 II (c) Reputation and (I) Legal Advice; Vice-Chairman Trask seconded the motion. The vote was unanimous in the affirmative; motion carried.

The meeting room was closed at 8:17pm.

Brad Wamsley has stepped down as Treasurer of the Spring Hill Farm Trust but remains on the Board of Trustees.

Selectman Buckley had spoken to a resident who had expressed an interest in leasing land at SHF, but was denied due to the Sweets being in residence. The Selectmen are concerned that Mr. Sweet's tenancy is causing SHF not to be as well utilized as it could be; he and Mr. Wamsley are opposed to providing a plan, whereas Mr. LeBlanc and Mr. Myette are both in favor of it.

The Board should consider not renewing the Sweets' lease next year unless a plan has been submitted.

The meeting room was re-opened at 8:40pm.

Chairman Landau moved that the Board come out of non-public session; Selectman Hagan seconded the motion. The vote was unanimous in the affirmative; motion carried.

Chairman Landau moved that the minutes to the first non-public session, on Reputation, be sealed for an indefinite period; Vice-Chairman Trask seconded the motion. The vote was unanimous in the affirmative; motion carried.

Respectfully Submitted,  
Debra H. Doda  
Recording Secretary

**Town of Chester  
Board of Selectmen's Meeting  
Thursday, April 27<sup>th</sup>, 2017  
Municipal Complex  
Non-Public Session #5 – Reputation**

**Chairman Landau moved that the Board go into non-public session under RSA 91-A:3 II (a) Public Employees, (c) Reputation, and (e) Pending Litigation; Selectman Cannon seconded the motion. The vote was four in favor with Selectman Hagan absent; motion carried.**

The meeting room was closed at 8:18pm.

The Veterans' Chapel Farm project would be interested in using some of the Spring Hill Farm land for farming. The Selectmen would like to see the Farm being used actively and generating revenue. Selectman Buckley will address this subject at next month's Spring Hill Farm meeting.

The meeting room was re-opened at 8:47pm.

**Chairman Landau moved that the Board come out of non-public session; Selectman Buckley seconded the motion. The vote was four in favor with Selectman Hagan absent; motion carried.**

**Chairman Landau moved that the minutes to the fifth non-public session, on Reputation, be sealed for a period of four (4) months; Selectman Buckley seconded the motion. The vote was four in favor with Selectman Hagan absent; motion carried.**

Respectfully Submitted,

Debra H. Doda

Debra Doda

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**From:** Jay Sweet <jdsweet33@gmail.com>  
**Sent:** Wednesday, May 17, 2017 9:47 AM  
**To:** Cass Buckley  
**Cc:** Chuck Myette; Brad.Wamsley@l-3com.com; Rich LeBlanc; Nancy Hoijer; Chester BOS AA; Board of Selectmen  
**Subject:** Re: Spring Hill Farms Meeting tonight at 7:00

So you completely disregard the aspect of savings for the TAXPAYERS of Chester due to the lower Cost of Community Services by the land being in Conservation and not being developed into houses? Which I and others have been trying to make you and Mr Trask understand, ad nauseum.

My family pays over \$10,000 a year in rent, that was entirely going back into the Trust to be used towards operations, but that you and others decided to TAKE AWAY a large portion from the Trust.

You and others (Selectmen and Budget Committee) have fallen terribly short on setting aside annual maintenance costs for the upkeep of the buildings at the Farm over the years, which the Trust had to spend funds on and has been the single most depleting aspect for the Trust Fund. Which I and others have spent countless hours VOLUNTEERING our time and using donated materials to repair and renovate and restore the buildings at the Farm. How do you quantify that?

The Farm is a working farm right now. And there are many activities that are enjoyed at the Farm; Walking, Hiking, Horseback Riding, Dog Walking, Sledding, Biking, Cross Country Skiing. Let alone the unquantifiable aspect that the Farm helps to maintain the rural character of Chester.

As a Trustee you should make an effort to understand the history of the Farm, which you have not done to date, and to understand all the aspects of living at Spring Hill Farms, which you also have not done.

There needs to be a more clear understanding of the word "burden" as used in the Trust Documents. There also needs to be a more clear understanding of the word "town" vs "townspeople".

If there is one thing in this whole situation that IS clear, it is that you and I are not on the same page. If I and my family are going to be tenants and you are going to be a Trustee, then this needs to change.

-Jay

On Wed, May 17, 2017 at 8:48 AM, Cass Buckley <[cass.buckley@sterbos@outlook.com](mailto:cass.buckley@sterbos@outlook.com)> wrote:

Jay,

Producing revenue for the farm. I'm sure you recall that I have brought this up at prior meetings. We all know that the Trust docs and Will clearly state that the farm should be a working farm with revenue going back into

the operations and infrastructure of the farm. Since revenue from the farm is clearly mentioned, the trust and the town needs to focus on generating revenue from that town owned farm land. Working farms have income.

Eventually the money in the trust will be gone without revenue coming in. There needs to be clear action taken to start producing revenue. I have been talking about this since last fall. The idea of generating revenue at the farm is not new. The farm needs to generate revenue so that the trust does not run out of money. That would be super clear to anybody running a farm; I have talked at length about this several times.

As a resident in town I'm disappointed that the farm is not a working farm with activities for townspeople or learning events etc. As a selectman I have the same disappointment and I don't want to see this land and buildings be burden on the taxpayers in town. The way to make this property less of a burden to the taxpayers in town is to produce revenue (to offset costs) from the land in accordance with the Trust and Will documents – make it a working, revenue producing farm.

Cass –

**From:** Jay Sweet [mailto:[jsweet@che.org](mailto:jsweet@che.org)]  
**Sent:** Wednesday, May 17, 2017 8:20 AM  
**To:** Cass Buckley <[cass.buckley@outlook.com](mailto:cass.buckley@outlook.com)>  
**Cc:** Chuck Myette <[cm@myettefamily.com](mailto:cm@myettefamily.com)>; Brad Wansley <[brad.wansley@che.com](mailto:brad.wansley@che.com)>; Rich LeBlanc <[rich@rblanc.com](mailto:rich@rblanc.com)>; 'Cass Buckley' <[cass.buckley@outlook.com](mailto:cass.buckley@outlook.com)>; Nancy Hoijer <[nancyhoijer@gmail.com](mailto:nancyhoijer@gmail.com)>; Chester BOS AA <[chesterbos@che.org](mailto:chesterbos@che.org)>  
**Subject:** Re: Spring Hill Farms Meeting tonight at 7:00

Producing revenue for what?

-Jay

On Wed, May 17, 2017 at 8:07 AM, Cass Buckley <[cass.buckley@outlook.com](mailto:cass.buckley@outlook.com)> wrote.

Hello Chuck, others,

Because of the recount last night, I had to move some things around in my schedule and will be in Boston late this evening so wont be able to make it to the SHFT meeting this evening.

Please make a point to discuss any actions that have been taken to move towards some revenue producing activities on the farm.

Thank you

Car-

**Nonpublic Session Minutes  
TOWN OF CHESTER BOARD OF SELECTMEN**

Date: June 1st, 2017

<b>Members Present:</b>	Chairman Dick Trask	<u>X</u>
	Vice-Chairman Jack Cannon	<u>X</u>
	Selectman Cass Buckley	<u>X</u>
	Selectman Steve D'Angelo	<u>X</u>
	Selectman Jeremy Owens	<u>X</u>

**Motion to enter Nonpublic Session** made by Buckley seconded by Owens.

**Specific Statutory Reason** cited as foundation for the nonpublic session:

- RSA 91-A:3, II (a) *The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.*
- RSA 91-A:3, II(b) *The hiring of any person as a public employee.*
- RSA 91-A:3, II(c) *Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.*
- RSA 91-A:3, II(d) *Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.*
- RSA 91-A:3, II(e) *Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against this board or any subdivision thereof, or by or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled.*
- RSA 91-A:3, II(f) *Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.*
- RSA 91-A:3, II (l) *Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.*

<b>Roll Call vote</b> to enter nonpublic session:	Trask	⓪	N	A	NP
	Cannon	⓪	N	A	NP
	Buckley	⓪	N	A	NP
	D'Angelo	⓪	N	A	NP
	Owens	⓪	N	A	NP

**Motion:** 5 IN FAVOR / 0 OPPOSED / 0 ABSTAINED / 0 NOT PRESENT

Turn off Cameras.

Entered nonpublic session at 7:37 xxx/p.m.

Other persons present during nonpublic session: None

Description of matters discussed and final decisions made. **Note:** Any votes taken must be recorded "in such a manner that the vote of each member is ascertained and recorded":

The Selectmen believe that Miss Church wanted to have Spring Hill Farm continue as a working farm, the Trustees and tenant are unwilling to make efforts to generate revenue. The Selectmen will not renew the Sweet family's lease once it expires on August 31st and will ask Deane Gorrow to draw up a 30 days' notice to quit. Vice-Chairman Cannon would prefer 60 days, as they have children; Selectman D'Angelo stated that 30 days is preferable as the Sweets do have legal recourse. Selectman Buckley moved to not renew Jay and Angela Sweet's lease for the Spring Hill Farm farmhouse and give them 30 days' notice to quit; Selectman D'Angelo seconded the motion. The vote was unanimous in the affirmative, motion carried.

**Note:** Under RSA 91-A:3, III. Minutes of proceedings in nonpublic sessions shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present, taken in public session, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of this board, or render the proposed action of the board ineffective, or pertain to terrorism. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.

Motion to leave nonpublic session and return to public session by D'Angelo, seconded by Trask.

Motion: 5 IN FAVOR / 0 OPPOSED / 0 ABSTAINED / 0 NOT PRESENT

Turn on Cameras.

Public session reconvened at 8:09 ~~AM~~/p.m.

Motion made to seal these minutes? If so, motion made by D'Angelo, seconded by Trask, to seal for a period of 90 days because it is determined that divulgence of this information likely would...

- Affect adversely the reputation of any person other than a member of this board
- Render a proposed action ineffective
- Pertains to preparation or carrying out of actions regarding terrorism

Roll Call Vote to seal minutes:	Trask	<input checked="" type="checkbox"/>	N	A	NP
	Cannon	<input checked="" type="checkbox"/>	N	A	NP
	Buckley	<input checked="" type="checkbox"/>	N	A	NP
	D'Angelo	<input checked="" type="checkbox"/>	N	A	NP
	Owens	<input checked="" type="checkbox"/>	N	A	NP

Motion: 5 IN FAVOR / 0 OPPOSED / 0 ABSTAINED / 0 NOT PRESENT

These minutes recorded by: Selira H. Roda

**Town of Chester  
Board of Selectmen Meeting  
Thursday, July 6<sup>th</sup>, 2017  
Municipal Complex  
Approved Minutes**

**I Preliminaries**

Call the Meeting to Order  
Roll Call  
Pledge of Allegiance  
Chairman's Additions and Deletions  
Public Comment  
Approval of Minutes  
Items for Signature  
Spring Hill Farm Trustees  
15 Chester Street (Center Scoop)  
Roundtable  
Non-Public Session  
Adjournment

*1.1 Call to Order*

Chairman Trask called this meeting of the Town of Chester Board of Selectmen to order at 7:01pm.

*1.2 Roll Call*

Selectmen present:

Cass Buckley  
Jack Cannon  
Steve D'Angelo  
Jeremy Owens  
Dick Trask

Members of the Public present, at various times:

Bill Ahle  
Janet Boyden  
Myrick Bunker, Building Inspector/Code Enforcement Officer  
Deborah Hesketh  
William Hesketh  
Nancy Holjer  
Rich LeBlanc, Spring Hill Farm Trustee  
Charlotte Lister  
Billie Maloney, ZBA  
Chuck Myette, Spring Hill Farm Trustee  
Michael Oleson  
Bob Packard  
Leslie Packard  
And other persons unknown to the Recording Secretary

*1.3 Pledge of Allegiance*

Chairman Trask led the attendees in the Pledge of Allegiance.



*1.4 Chairman's Additions and Deletions*

There were neither additions nor deletions.

*1.5 Public Comments*

As no Members of the Public wished to be heard, Public Comment was closed at 7:01pm.

**II. Old Business**

*2.1 Approval of Minutes*

An approval sheet for the previous week's meeting minutes is in the signature folder. Chairman Trask urged all members to read the minutes and indicate their approval.

*2.2 Items for Signature*

Chairman Trask also urged all members to review the items in the signature folder.

**III. New Business**

*3.1 Spring Hill Farm Trustees – Rich LeBlanc, Chuck Myette*

Mr. LeBlanc and Mr. Myette appeared before the Selectmen to discuss the Selectmen's decision not to renew the lease for the current tenant at the Farmhouse.

Mr. Myette stated that the Trustees were surprised at the decision, as it had not been discussed with them prior to the Selectmen sending a letter of notification, and asked for the reasoning behind this move. Selectman Buckley stated that as the lease was expiring at the end of August, they wished to give the tenant as much notice as possible to find another residence. He added that he had informed the Trustees multiple times over the past year that the Farm needed a plan to increase revenue and without that, the lease might not be renewed.

Mr. Myette demurred, stating that the Selectmen had asked for a plan, a budget, a list of projects, and ideas for potential revenue, and that the Trustees had supplied every requested item. In the past they had leased out areas of the property, they had rented the farmhouse to a full time farmer, they had hayed, all without successfully generating revenue; Mr. LeBlanc added that he was currently developing a plan to log various areas of the property to produce revenue. Mr. Myette stated that the only guaranteed revenue has been the ~\$10k in Farmhouse rental income.

Selectman Buckley stated that the Farm has lost money every year, a statement with which Mr. Myette disagreed, saying that they had not lost money over the past three years, and that no previous tenant had done as much for the Farm as the current one. He added that it was difficult to get tenants to care about and run a property that they do not own.

Selectman D'Angelo stated that his interpretation of the Trust document showed that the Trust did not give the Trustees authority to manage the farm; it merely gave Miss Church a life estate on the property. He added that the Trust should have ended when Miss Church died; the Trustees disagreed with this interpretation, stating that they had been using the Trust documents to run the Farm for the past 17 years. There was some discussion about the Trust becoming a 501 (c)(3) Trust; the Selectmen would like a copy of the letter from the IRS granting that status, and for the Trustees to create an operating agreement.

Selectman D'Angelo asked about the Security deposit referenced in the Lease; Mr. Myette replied that the Town has it, but there is no record of it ever being received.

Vice-Chairman Cannon asked why a tenant was needed at all, especially one who did not farm. When Miss Church died and there were animals remaining, a tenant was a necessity; now it is not. There is a cost to maintaining the Farmhouse for the benefit of the tenant; without a tenant, there will be fewer expenses. (Mr. Myette countered that one benefit of having a tenant would be avoiding vandalism, which is more likely with an empty house.) Vice-Chairman Cannon added that without a need for funds to maintain the Farmhouse, the Trust and Selectmen could then work together to run the farm in a collaborative fashion.

Mr. Myette stated that the Trustees had worked on Spring Hill Farm for 17 years; the Selectmen had only been involved for a number of hours. He urged them to attend the monthly meetings of the Spring Hill Farm Trustees so that both groups could work together.

Bob Packard stood and was recognized. He stated that if the Selectmen decide to abandon the Farmhouse, it will be either burnt down, inhabited by squatters, or in another uncontrollable situation within the next five years. He agreed with Mr. Myette that it was not good to leave the building vacant. The Selectmen's other solution would be simply to reject Miss Church's gift and allow the property to be returned to her family; in that case, there would be 1,000 houses on the property soon. He encouraged the Selectmen to work with the Trustees.

Mr. LeBlanc and Mr. Myette departed the meeting at 7:37pm.

### *3.2 15 Chester Street (Center Scoop) -- Jerome Gesel*

Mr. Gesel appeared before the Selectmen along with Building Inspector Bunker.

Chairman Trask stated that Mr. Gesel had been invited to appear before the Selectmen as a courtesy in order to clear up some items with Code Enforcement, both building and fire related. He added that this appointment could take place in public or non-public session, as Mr. Gesel preferred. Mr. Gesel opted for a public meeting, and thanked those Members of the Public that had come out to support him. Vice-Chairman Cannon asked those Members of the Public what they were supporting, adding that all business owners were expected to adhere to the Town's ordinances. He cited the LeClair's Junkyard as an example; the Town's ordinances had not been adhered to or adequately enforced, and the abutters now suffer with contaminated wells.

Building Inspector Bunker stated that he had been in Chester's employ since February 2016; according to the records in his office, the Center Scoop is not meeting zoning requirements and does not have a variance. A temporary Certificate of Occupancy was granted in 2007, but expired in 2008 due to lack of a site plan. The Planning Board had instructed Mr. Gesel to go in front of the ZBA to request a variance; nineteen months had passed and he had not done so. Selectman Buckley added that selling sandwiches was an expansion of use, and a variance was required.

Vice-Chairman Cannon referred to the Planning Board minutes of January 27<sup>th</sup>, 2016, where it was stated that Mr. Gesel had never obtained variances for the ice cream or gun shops, and that this was a requirement before they could review the site plan. At that meeting they advised Mr. Gesel to contact Janet Boyden, the ZBA's Administrative Assistant, to start the application process. Vice-Chairman Cannon asked Mr. Gesel if he had followed this advice; he stated that he had not, but that in the meantime, the gun shop had moved out and he had not amended the site plan as he had originally planned.

Mr. Gesel added that he did have a valid Certificate of Occupancy but when asked for a copy, refused to

provide one. He stated that if the Board of Selectmen would give him a letter 'putting this matter to rest,' that he would provide a copy of the Certificate of Occupancy. Selectmen D'Angelo invited Mr. Gesel to return next week, to the meeting of Thursday, July 13<sup>th</sup>, 2017, and bring his Certificate of Occupancy. He also asked Mr. Gesel to confirm that he understands that the Town has ordinances because it cares about the health and safety of its residents.

Billie Maloney stood and was recognized. She identified herself as the Chair of the Zoning Board of Adjustment, and asked why Mr. Gesel would have received a permit without going in front of the ZBA for a variance, as the ice cream shop was a non-permitted use. She stated that even if Mr. Gesel did have a Certificate of Occupancy, he needs a variance, as no-one is above the law. She encouraged the Selectmen to support Building Inspector Bunker.

Deborah Hesketh of Lincoln Lane stood and was recognized. She stated that there were many homes in her neighborhood with building violations, and that those homes had been inspected by former Building Inspector Thom Roy.

Selectman Buckley addressed Building Inspector Bunker, stating that when he was hired they had discussed the importance of Code Enforcement, and yet the Selectmen had not assisted him in coming up with a plan. He added that the Selectmen owe Building Inspector Bunker and the Town their best efforts to help guide code enforcement.

Bob Packard stood and was recognized. He stated that he had been hearing about 15 Chester Street for ten years now, and wanted to know what was going on. He asked why the Town was trying to put Mr. Gesel out of business. ZBA Chairman Maloney objected to this characterization, stating that they simply wanted him to come into compliance with the Town's ordinances - they did not want to put him out of business. Vice-Chairman Cannon agreed, stating that if it was the Selectmen's intent to put Mr. Gesel out of business, they would simply have allowed Building Inspector Bunker to send Mr. Gesel a Cease and Desist letter; instead, they asked him to come in and clear up the issues.

Mr. Gesel departed the meeting at 8:08pm.

#### **IV. Selectmen's Business**

##### *4.1 Roundtable*

###### *Vice-Chairman Cannon:*

- Nothing to report.

###### *Selectman D'Angelo:*

- According to the last report from Finance Director Smith, there should be funds left over after FY2016-2017 is closed.

###### *Selectman Owens:*

- Nothing to report.

###### *Selectman Buckley:*

- Nothing to report.

###### *Chairman Trask:*

- He noted that the trash that had been reported outside of the Old Salt Shed has been cleared away.
- The County Workers were on site Monday and Tuesday, July 3<sup>rd</sup> and 4<sup>th</sup>; they mulched around Town Hall and painted the vestibule. Vice-Chairman Cannon noted that the paint job on the

doors could use a little improvement, as the brown was showing through in areas, and asked that Maintenance Supervisor Amato look at them. A Maintenance Request will be created.

*4.2 Public Comment*

As no Members of the Public wished to be heard, Public Comment was closed at 8:09pm.

*4.3 Non-Public Session*

**Selectman D'Angelo moved that the Board go into non-public session under RSA 91-A:3 II (e) Pending Litigation; Vice-Chairman Cannon seconded the motion. The vote was unanimous in the affirmative; motion carried.**

The meeting room was closed at 8:10pm. Building Inspector Bunker remained in the Meeting Room.

The meeting room was re-opened at 8:13pm.

**Chairman Trask moved that the Board come out of non-public session; Selectman Buckley seconded the motion. The vote was unanimous in the affirmative; motion carried.**

**Selectman D'Angelo moved that the minutes to the non-public session on Pending Litigation be sealed for a period of one (1) year; Chairman Trask seconded the motion. The vote was unanimous in the affirmative; motion carried.**

**V. Adjournment**

The next regularly scheduled meeting of the Board of Selectmen will be Thursday, July 13<sup>th</sup>, 2017.

**Chairman Trask moved to adjourn the meeting; Selectman D'Angelo seconded the motion. The vote was unanimous in the affirmative; motion carried.**

The meeting was adjourned at 8:14pm.

Respectfully Submitted,

Debra H. Doda  
Recording Secretary

**Nonpublic Session Minutes  
TOWN OF CHESTER BOARD OF SELECTMEN**

Date: July 13th, 2017

<b>Members Present:</b>	Chairman Dick Trask	<u>X</u>
	Vice-Chairman Jack Cannon	<u>X</u>
	Selectman Cass Buckley	<u>X</u>
	Selectman Steve D'Angelo	<u>X</u>
	Selectman Jeremy Owens	<u>X</u>

**Motion to enter Nonpublic Session** made by Buckley seconded by Cannon.

**Specific Statutory Reason** cited as foundation for the nonpublic session:

- RSA 91-A:3, II (a) *The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.*
- RSA 91-A:3, II(b) *The hiring of any person as a public employee.*
- RSA 91-A:3, II(c) *Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.*
- RSA 91-A:3, II(d) *Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.*
- RSA 91-A:3, II(e) *Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against this board or any subdivision thereof, or by or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled.*
- RSA 91-A:3, II(f) *Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.*
- RSA 91-A:3, II (j) *Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.*

<b>Roll Call vote</b> to enter nonpublic session:	Trask	ⓧ	N	A	NP
	Cannon	ⓧ	N	A	NP
	Buckley	ⓧ	N	A	NP
	D'Angelo	ⓧ	N	A	NP
	Owens	ⓧ	N	A	NP

**Motion:** 5 IN FAVOR / 0 OPPOSED / 0 ABSTAINED / 0 NOT PRESENT

Turn off Cameras.

Entered nonpublic session at 7:39 p.m.

Other persons present during nonpublic session: \_\_\_\_\_  
\_\_\_\_\_

Description of matters discussed and final decisions made. **Note:** Any votes taken must be recorded "In such a manner that the vote of each member is ascertained and recorded":

Selectman Buckley would like people to contact him directly should they have questions on the Spring Hill Farm situation.  
Vice Chairman Cannon believes that the cost to maintain the farm for habitation is much more than the cost to simply maintain it. He does not believe that a Tenant is required; he would be fine with leasing the land out to farmers. Vice Chairman Cannon also opined that the Trustees might want to come in with Deb Munson's petition and hand it off to the BOS.  
Selectman D'Angelo believes that the 501 (c)(3) trust was created as the Attorney General said the Trustees could not continue to run the farm on the Trust documents they had. Is there a letter from the Attorney General about this?  
The Board would prefer not to have Spring Hill Farm on the agenda until August 17th, due to the July 27th meeting being cancelled and Chairman Trask being absent from the August 3rd and 10th meetings.

**Note:** Under RSA 91-A:3, III. Minutes of proceedings in nonpublic sessions shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present, taken in public session, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of this board, or render the proposed action of the board ineffective, or pertain to terrorism. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.

Motion to leave nonpublic session and return to public session by D'Angelo seconded by Buckley.

Motion: 5 IN FAVOR / 0 OPPOSED / 0 ABSTAINED / 0 NOT PRESENT

Turn on Cameras.

Public session reconvened at 8:36 a.m.

Motion made to seal these minutes? If so, motion made by Cannon, seconded by Owens, to seal for a period of indefinite, because it is determined that divulgence of this information likely would...

- Affect adversely the reputation of any person other than a member of this board
- Render a proposed action ineffective
- Pertains to preparation or carrying out of actions regarding terrorism

Roll Call Vote to seal minutes:	Trask	<input checked="" type="checkbox"/>	N	A	NP
	Cannon	<input checked="" type="checkbox"/>	N	A	NP
	Buckley	<input checked="" type="checkbox"/>	N	A	NP
	D'Angelo	<input checked="" type="checkbox"/>	N	A	NP
	Owens	<input checked="" type="checkbox"/>	N	A	NP

Motion: 5 IN FAVOR / 0 OPPOSED / 0 ABSTAINED / 0 NOT PRESENT

These minutes recorded by: Debra H. Doda

**Town of Chester  
Board of Selectmen Meeting  
Thursday, August 17<sup>th</sup>, 2017  
Municipal Complex  
Approved Minutes**

**I Preliminaries**

Call the Meeting to Order  
Roll Call  
Pledge of Allegiance  
Chairman's Additions and Deletions  
Public Comment  
Approval of Minutes  
Items for Signature  
Reappointment to ZBA  
Public Hearing on SB38  
Spring Hill Farm  
Police Department Requests  
Roundtable  
Non-Public Sessions  
Adjournment

*1.1 Call to Order*

Chairman Trask called this meeting of the Town of Chester Board of Selectmen to order at 7:00pm.

*1.2 Roll Call*

Selectmen present:

Jack Cannon (remotely by telephone, due to physical inability to attend)  
Steve D'Angelo  
Jeremy Owens  
Dick Trask

Selectmen absent:

Cass Buckley

Members of the Public present, at various times:

Aaron Berube, Police Chief  
Diane Gorrow, Town Counsel  
Stephen Landau  
Cindy LeBlanc  
Rich LeBlanc  
Charlotte Lister  
Deb Munson  
Chuck Myette  
Nancy Myette  
Baron Richardson  
Kevin Scott, ZBA  
Will Sable, Sergeant, Police Department  
Angela Sweet  
Jay Sweet

Penny Williams, Tri-Town Times  
And other persons unknown to the Recording Secretary

*1.3 Pledge of Allegiance*

Chairman Trask led the attendees in the Pledge of Allegiance.

*1.4 Chairman's Additions and Deletions*

Chairman Trask added one non-public session on Public Employees.

*1.5 Public Comments*

As no Members of the Public wished to be heard, Public Comment was closed at 7:02pm.

**II. Old Business**

*2.1 Approval of Minutes*

An approval sheet for the previous week's meeting minutes is in the signature folder. Chairman Trask urged all members to read the minutes and indicate their approval, as they are falling behind.

*2.2 Items for Signature*

Chairman Trask urged all members to review and sign items in the Signature Folder.

**III. New Business**

*3.1 Appointment to ZBA – Kevin Scott*

Kevin Scott appeared before the Selectmen to be reappointed to the Zoning Board of Adjustment.

Mr. Scott has been on the ZBA for 14 years, and currently serves as its Vice-Chairman. His term expired in 2015. Selectman D'Angelo noted the importance of having all appointed Board members current in their terms, especially when their responsibilities included legal matters.

**Selectman D'Angelo moved to reappointed Kevin Scott as a regular member of the ZBA for a three year term to expire on May 31<sup>st</sup>, 2020; Selectman Owens seconded the motion. The vote was four in favor with Selectman Buckley absent; motion carried.**

Mr. Scott departed the meeting at 7:06pm.

*3.2 Non-Meeting with Counsel*

The Selectmen went into a non-meeting with Town Counsel Gorrow at 7:06pm; the meeting room was re-opened at 7:46pm.

**Chairman Trask moved that the Selectman authorize Selectman D'Angelo to work with Attorney Bennett on a situation of pending litigation; Selectman Owens seconded the motion. The vote was four in favor with Selectman Buckley absent; motion carried.**

*3.3 Public Hearing – Acceptance of State Surplus Funds for Highway*



**Selectman D'Angelo moved to open the Public Hearing on accepting state surplus funds under SB38; Selectman Owens seconded the motion. The vote was four in favor with Selectman Buckley absent; motion carried.**

Vice-Chairman Cannon asked that it be clarified that these funds must only be used on new, presently unfunded highway projects.

No Members of the Public wished to speak; the Public Hearing will remain open until the end of tonight's public session.

### *3.4 Spring Hill Farm – Jay Sweet*

Jay and Angela Sweet appeared before the Selectmen to discuss their tenancy at Spring Hill Farm.

Mr. Sweet stated that they had received a letter on July 4<sup>th</sup>, informing them that the Selectmen were not going to renew their lease, which expires on August 31<sup>st</sup>. He asked why the Selectmen had not spoken with him first, or the trustees, and why they had not been given more notice. Chairman Trask stated that the Selectmen did not plan to rent out the Farmhouse any longer, and that they had attempted to give as much notice as possible - two months, which was twice the legal requirement of 30 days.

Mr. Sweet asked for a reason behind the plan to no longer rent; Selectman D'Angelo stated that the Town's taxpayers had put ~\$138k into the property over the years, and have decided to put the property on hold while they decide on future plans. Chairman Trask stated that the farmhouse would cost less to maintain if there were no tenants in it. He added that the Selectmen had been asking the Trustees for various documents to do with the farm for over a year with no success; too much time and money was being spent. This meeting was an opportunity for the Sweets to produce information that would allow the Selectmen to reconsider their decision.

Mr. Sweet stated that he had a Farm Management Plan that he wished to read aloud from; when Chairman Trask asked to look at it, Mr. Sweet refused, stating that only if his lease were renewed that he'd let the Selectmen look at it. He added that the Board of Selectmen needed to come to their senses.

Mr. Sweet thanked the residents of Chester for their care and concern; he and Mrs. Sweet departed the meeting at 8:02pm.

### *3.5 Police Department Requests – Police Chief Aaron Berube*

Police Chief Aaron Berube appeared before the Selectmen to discuss a number of items.

He has found that his opportunity to make save money on purchases for the Police Department is limited due to the Town's method of payment. If he were to have a purchasing card, he would be able to shop for the best price and save money. Vice-Chairman Cannon would like to see this card only used in an emergency, or if no other reasonable forms of payment are possible; Police Chief Berube agreed.

**Selectman Owens moved to provide Police Chief Berube with a Purchasing Card with a spending limit of \$2,500; Vice-Chairman Cannon seconded the motion. The vote was four in favor with Selectman Buckley absent; motion carried.**

Police Chief Berube also spoke about the need for a firing range. The Police Department has had to move their qualification sessions from the Chester Rod & Gun Club to Fremont due to the need to close the entire range at those times. He has identified an 18-acre parcel of Town-owned land by the lake that would be ideal for the construction of a 100' x 150', 12' high 3-wall berm firing range that would allow for non-static training, both night and day. As there are other Rod & Gun clubs in the area, the

sound should not be an issue. Road Agent Oleson and some Town vendors have volunteered their time, equipment, and/or materials at no cost to the Town. The property would be gated and posted at all times; some funds would be needed to create signage.

**Chairman Trask moved to allow the Police Department to proceed with the firing range project; Selectman D'Angelo seconded the motion. The vote was four in favor with Selectman Buckley absent; motion carried.**

At Tuesday's Highway Safety Committee meeting, the parking lot in front of the Chester General Store, which is Town-owned land, was discussed. Cars park along the fence, and when delivery trucks are onsite, it is impossible for an emergency vehicle to access. There is some consideration to creating a fire lane along the building. The Selectmen will be consulted for their approval when a plan is in place.

#### **IV. Selectmen's Business**

##### **4.1 Roundtable**

###### *Chairman Trask:*

- Maintenance Supervisor Amato has requested that the Town rent a cart for use during Town Fair. This allows participants and their equipment, as well as guests, to be driven on and off the field without subjecting it to excessive vehicle traffic. This can be driven by any Town employee/official. **Selectman Owens moved that the Town rent a Sunbelt 6-passenger cart for the weekend of Town Fair at a cost of \$525; Selectman D'Angelo seconded the motion. The vote was four in favor with Selectman Buckley absent; motion carried.**
- Town Clerk Newnan has provided a contract from Invoice Cloud, a provider that works with her new software (Avatar) for online tax payments. This contract has been reviewed and approved by the Town's Treasurer as well as Town Counsel Gorrow. Chairman Trask will sign.
- Town Clerk Newnan has suggested adding a \$5 fee to motor vehicle registrations, with the proceeds going to transportation improvements. The Selectmen should ponder this question and be prepared to discuss it at a later date. It would need to be on the Warrant at next year's Town Meeting before it could be implemented.

###### *Selectman Owens:*

- Nothing to report.

###### *Selectman D'Angelo:*

- At the Highway Safety Committee meeting this week, it was reported that the Fire Department has difficulty exiting the Fire Station during drop off and pick up times at Chester Academy due to the high volume of traffic. Road Agent Oleson has received DOT approval to open up and improve a currently blocked road to be used as a secondary access road; this will be put into the CIP. There was also some talk about striping Murphy Drive for turn lanes and/or installing a Police detail.

###### *Vice-Chairman Cannon:*

- Nothing to report.

##### **3.3 Public Hearing – Acceptance of State Surplus Funds for Highway, Redux**

Chairman Trask asked for comments on the Public Hearing, but none were forthcoming.

**Selectman D'Angelo moved to close the Public Hearing on accepting state surplus funds under SB38; Selectman Owens seconded the motion. The vote was four in favor with**

**Selectman Buckley absent; motion carried.**

**Selectman D'Angelo moved to accept the \$122,044.18 of state surplus funds under SB38; Selectman Owens seconded the motion. The vote was four in favor with Selectman Buckley absent; motion carried.**

*4.2 Non-Public Sessions*

**Selectman D'Angelo moved that the Board go into non-public session under RSA 91-A:3 II (a) Public Employees; Selectman Owens seconded the motion. The vote was four in favor with Selectman Buckley absent; motion carried.**

The meeting room was closed at 8:30pm.

The meeting room was re-opened at 8:44pm.

**Selectman D'Angelo moved that the Board come out of non-public session; Selectman Owens seconded the motion. The vote was four in favor with Selectman Buckley absent; motion carried.**

**Selectman D'Angelo moved that the minutes to the non-public session on Public Employees be sealed for an indefinite period; Selectman Owens seconded the motion. The vote was four in favor with Selectman Buckley absent; motion carried.**

**V. Adjournment**

The next regularly scheduled meeting of the Board of Selectmen will be Thursday, August 24<sup>th</sup>, 2017.

**Selectman D'Angelo moved to adjourn the meeting; Selectman Owens seconded the motion. The vote was four in favor with Selectman Buckley absent; motion carried.**

The meeting was adjourned at 8:46pm.

Respectfully Submitted,

Debra H. Doda  
Recording Secretary

**Town of Chester  
Board of Selectmen Meeting  
Thursday, August 24<sup>th</sup>, 2017  
Municipal Complex  
Approved Minutes**

**I Preliminaries**

Call the Meeting to Order  
Roll Call  
Pledge of Allegiance  
Chairman's Additions and Deletions  
Public Comment  
Approval of Minutes  
Items for Signature  
Spring Hill Farm Trustees  
Roundtable  
Non-Public Sessions  
Adjournment

*1.1 Call to Order*

Chairman Trask called this meeting of the Town of Chester Board of Selectmen to order at 7:04pm.

*1.2 Roll Call*

Selectmen present:

Cass Buckley  
Jack Cannon (remotely by telephone, due to physical inability to attend)  
Steve D'Angelo  
Dick Trask

Selectmen absent:

Jeremy Owens

Members of the Public present, at various times:

Aaron Berube, Police Chief  
Ted Broadwater  
Brenda Gallotti Holland  
Jerome Gesel  
Stephen Landau  
Cindy LeBlanc  
Rich LeBlanc, Spring Hill Farm Trustee  
Charlotte Lister  
Thomas Masland, Attorney for Spring Hill Farm Trustees  
Deb Munson  
Chuck Myette, Spring Hill Farm Trustee  
Nancy Myette  
Bob Pepper  
Molly Quaiters  
TJ Quaiters  
Darrell Quinn  
Baron Richardson

Brian Sullivan  
Angela Sweet  
Jay Sweet  
Penny Williams, Tri-Town Times  
And other persons unknown to the Recording Secretary

*1.3 Pledge of Allegiance*

Chairman Trask led the attendees in the Pledge of Allegiance.

*1.4 Chairman’s Additions and Deletions*

Chairman Trask added one non-public session, with the Spring Hill Farm Trustees, on Reputation.

*1.5 Public Comments*

Public Comment will be postponed until the end of the appointment with the Spring Hill Farm Board of Trustees in the hopes that questions people may have will be answered beforehand.

**II. Old Business**

*2.1 Approval of Minutes*

An approval sheet for the previous week’s meeting minutes is in the signature folder.

*2.2 Items for Signature*

Chairman Trask urged all members to review and sign items in the Signature Folder.

**III. New Business**

*3.1 Spring Hill Farm Trustees*

Mr. LeBlanc and Mr. Myette of the Spring Hill Farm Board of Trustees appeared before the Selectmen with Attorney Thomas Masland of Ransmeyer & Spellman.

Attorney Masland stated that he was the attorney who had drawn up the original trust and conservation easement with Miss Church in the 1990s, and that he had handled her estate when she passed in 2001. He noted that the donor’s intent is paramount with a charitable trust. He also clarified that the Trust’s recent designation as a 501(c)(3) organization was merely a clarification with the IRS that the trust was a tax exempt charitable trust which could receive grants and donations; not every charitable trust is tax exempt. He had confirmed this in a meeting with Terry Knowles of the Attorney General’s office today.

Attorney Masland stated that an agreement had been made between the then Board of Selectmen and Miss Church that she would donate her property to the Town, subject to a life estate, a trust, and an easement being placed on the land. The Town voted to accept this gift at Town Meeting 1995. Buckingham County Conservation District holds the easement, the Town holds the real estate, and the Trust was created to finance the farm. Upon her death in 2001, her will confirmed her desire to maintain the property as a working farm and that the Trust would finance its maintenance.

Vice-Chairman Cannon interjected that the plan that the Trust would finance the maintenance of the farm was good in theory, but it was not doable; that is why the Town had taken over the maintenance of the buildings.

Mr. Myette agreed that there are costs to maintaining the property, but noted that funding requests have been made via Warrant Articles in order that the taxpayers may decide whether or not to grant them. Volunteer labor has been utilized, as well as donations. The Selectmen have indicated that they do not wish to run the farm, and that is why the Board of Trustees is doing it; they are happy to continue managing the Farm as a Town asset and carrying out the Town's wishes. He added that they have a fiduciary responsibility to manage the Trust's funds and to ensure that they are only spent on benefiting the farm, not anyone personally, including the Trustees.

Chairman Trask noted that the Trust document does not require that the farmhouse have a tenant, only that it may; Attorney Masland replied that having a tenant was Miss Church's intent. He described the situation as a 'three legged stool' with the Selectmen, Trustees, and Tenants all working together cooperatively. Chairman Trask also noted that section 3.2 of the Trust document indicates that the Board of Trustees may manage the farm if the BOS and the Conservation Commission so desire, but that it is not a requirement; Attorney Masland agreed.

There was some discussion about whether or not a member of the Board of Selectmen may also serve as a Trustee; no decision was reached.

The Selectmen would like to see the Trustees expand their ideas and solicit participation from the community in order that the property can perform as a working farm and produce revenue. Mr. Myette noted that he had provided a list of potential revenue sources and a Management Plan to the Selectmen, and encouraged farmers, potential stakeholders, and any community members with new ideas to join the Trustees and Selectmen in a charrette to advance this effort.

Mr. Myette stated that the Trust has been maintained for over 20 years. In that time period they and various tenants have worked on the sustainability of the property by opening up and maintaining fields, trails, wells, and bridges; they have repaired barn floors and the farmhouse with donations and volunteer labor; they have installed a high tunnel and water lines, planted crops, and have become certified organic. They believe that the Sweet family is hardworking and entrepreneurial, and that they care about improving the farm.

Chairman Trask noted that the Selectmen had received a letter via email today from Terry Knowles which stated that the Attorney General's office had been told that the Town was evicting the current tenant and planning to 'close down the property' entirely and 'discontinue any further use' of it. He stated emphatically that this was not the truth; the Town is not evicting the current tenant, but plans not to renew his lease when it expires. The Town also does not plan to close the property and discontinue any use of it. He asked Attorney Masland if he knew how Ms. Knowles had gotten this false impression, but no answer was forthcoming.

**Selectman D'Angelo moved that the Board go into non-public session under RSA 91-A:3 II (c) Reputation; Selectman Buckley seconded the motion. The vote was four in favor with Selectman Owens absent; motion carried.**

The meeting room was closed at 7:49pm.

The meeting room was re-opened at 8:08pm.

**Selectman Cannon moved that the Board come out of non-public session; Selectman D'Angelo seconded the motion. The vote was four in favor with Selectman Owens absent; motion carried.**

**Selectman Cannon moved that the minutes to the first non-public session, on Reputation, be sealed for an indefinite period; Selectman D'Angelo seconded the motion. The vote was four**

**in favor with Selectman Owens absent; motion carried.**

Selectman D’Angelo asked Mr. Myette to prepare an agenda for a joint meeting of the Selectmen and the SHF Trustees, and to invite interested volunteers to attend. Mr. LeBlanc added that although both the Selectmen and the Trustees continue to have issues, they now better understand each other and wish to work together.

Chairman Trask invited members of the public in attendance to speak; each person should limit him or herself to two minutes.

Selectman Cannon is concerned that social media is being used in a disturbing fashion, with posters commenting with rhetoric that they would never use in person. He suggested that instead of Bob Pepper calling for a recall, he should sign up to run for Selectman next year and see what changes he can make in town. He is disappointed that Charlotte Lister, as a former Selectman and State Rep, is claiming that the Selectmen are having a ‘power grab’. And he is concerned that ‘Joe Alan’ is urging people to go outside of the RSAs and other state laws that govern the Selectmen and instead file a claim with the town’s insurance carrier. All this is strengthening his opinion that the decision that the Selectmen has made is the correct one.

Cindy LeBlanc stated that she was formerly on the Spring Hill Farm Board of Trustees, and had volunteered time and money at that time to support the farm. She is willing to volunteer in order that it can remain a working farm, and urged others to do the same.

Baron Richardson stated that social media is a double edged sword; he used it to urge residents to attend tonight’s meeting, which he believes is positive. He stated that a farm is not a farm without a farmer, and that the Sweet family loves the farm and is accomplishing their goals. He would like all groups involved to come to an agreement, and is willing to volunteer.

Molly Qualters agreed that social media can be a positive force, as it helped her family find their lost dog this week. She does not believe that the Sweet family should be ‘punished’ because of negative comments made by others. She would like the Selectmen and Trustees to work together to find a solution.

Brenda Galotti Holland believes that the Sweets have done an excellent job. The fact that the Sweets have children allows the younger generation to be exposed to farming. Today is August 24<sup>th</sup>, and the Sweets need to be out by September 1<sup>st</sup>. She stated that a petition to renew the lease had been given to the Selectmen with 100 signatures and asked where that stood.

Ted Broadwater stated that he dislikes the adversarial tone and encouraged cooperation and communication. The Sweet family has made their home in Chester, and the cost of educating their children should not be an issue. He asked that the Selectmen consider what the additional costs would be for security, insurance, and maintenance should the farmhouse become vacant, and added that the \$10,200 that the Sweets pay in rent should also be factored in. Mr. Broadwater provided a written statement which will be appended to the end of these minutes when printed.

Deb Munson stated that she was the one who had started the petition on social media, without any intent to be negative; she was merely seeking public input. She believes that social media is a valuable communication tool for those who cannot attend meetings or watch them on video. Selectman D’Angelo suggested that residents who need information on town business call the Selectmen’s Office rather than relying on social media to get their information. Mr. LeBlanc encouraged people to watch meetings on the Cable TV Station, either live or on demand. Selectman D’Angelo stated that Mr. LeBlanc and Mr. Castricone had done an excellent job on the Cable TV Station.

Chairman Trask stated that it had not been his intent to stifle public comment at last week’s meeting; he knew that the subject of Spring Hill Farm was on tonight’s agenda as well, and that people would have a chance to speak then. He added that various people had contacted him and that he had met some in person; he is always accessible.

Mrs. Ga’otti Holland spoke again, asking for an answer to her question about the status of the Sweet’s lease. Chairman Trask replied that there were no motions on the table at the moment.

Mrs. LeBlanc spoke again, thanking the Sweet family for cleaning up the Spring Hill Farm property. She noted that previous tenants had ‘trashed’ it and that the Sweets had worked to improve its condition.

Mr. Richardson spoke again, and made a motion that the Selectmen renew the Sweet family’s lease; many voices in the public seconded the motion.

Mrs. Qualters spoke again, asking if the Selectmen were going to make a similar motion. Selectman D’Angelo stated that there were no plans to do so at this point in time.

Mr. Leblanc, Mr. Myette, and Attorney Masland departed the meeting at 8:34pm.

#### **IV. Selectmen’s Business**

##### *4.1 Roundtable*

*Chairman Trask:*

- Nothing to report.

*Selectman Buckley:*

- Nothing to report.

*Selectman D’Angelo:*

- Nothing to report.

*Vice-Chairman Cannon:*

- Nothing to report.

##### *4.2 Non-Public Sessions*

**Selectman D’Angelo moved that the Board go into non-public session under RSA 91-A:3 II (a) Public Employees and (e) Pending Litigation; Selectman Buckley seconded the motion. The vote was four in favor with Selectman Owens absent; motion carried.**

The meeting room was closed at 8:35pm.

Police Chief Berube entered the meeting room at 8:37pm.

Vice-Chairman Cannon rang off at 8:51pm.

The meeting room was re-opened at 9:10pm. Police Chief Berube departed the meeting at this time.

**Chairman Trask moved that the Board come out of non-public session; Selectman Buckley seconded the motion. The vote was three in favor with Vice-Chairman Cannon and Selectman Owens absent; motion carried.**



**Chairman Trask moved that the minutes to the second non-public session, on Pending Litigation, be sealed for an indefinite period; Selectman Buckley seconded the motion. The vote was three in favor with Vice-Chairman Cannon and Selectman Owens absent; motion carried.**

**Chairman Trask moved that the minutes to the third non-public session, on Public Employees, be sealed for an indefinite period; Selectman Buckley seconded the motion. The vote was three in favor with Vice-Chairman Cannon and Selectman Owens absent; motion carried.**

**Chairman Trask moved that the minutes to the fourth non-public session, on Public Employees, be sealed for an indefinite period; Selectman Buckley seconded the motion. The vote was three in favor with Vice-Chairman Cannon and Selectman Owens absent; motion carried.**

**Chairman Trask moved that the minutes to the fifth non-public session, on Public Employees, be sealed for an indefinite period; Selectman Buckley seconded the motion. The vote was three in favor with Vice-Chairman Cannon and Selectman Owens absent; motion carried.**

#### **V. Adjournment**

The next regularly scheduled meeting of the Board of Selectmen will be Thursday, August 31<sup>st</sup>, 2017.

**Selectman Buckley moved to adjourn the meeting; Selectman D'Angelo seconded the motion. The vote was three in favor with Vice-Chairman Cannon and Selectman Owens absent; motion carried.**

The meeting was adjourned at 9:12pm.

Respectfully Submitted,

Debra H. Doda  
Recording Secretary

**Town of Chester  
Meeting between Dick Trask and Jay Sweet  
Friday, August 25<sup>th</sup>, 2017  
Municipal Complex  
Minutes**

Mr. Sweet had requested a meeting with Chairman Trask after emailing a copy of his "Spring Hill Farm Management Plan". He stated that the reason he wouldn't show it to Chairman Trask or the Board of Selectmen during the meeting of August 17<sup>th</sup>, 2017 was because it wasn't finished and the Trustees hadn't seen nor approved it.

Mr. Sweet stated that the Farm Management Plan contained a history of and stories about Spring Hill Farm, its background, and his plans for the Farm. He stated that he had been at the Farm many times in the 80s while a teen visiting his cousin Miss Church. She did not have a lot of money and lived on a shoestring budget. The property has many issues and much needed to be fixed. He is not a full time farmer, and that was never his plan; he believes that his full time job allows him to put money into the Farm without taking from the Trust. Selectman Buckley apparently believes that the tenant should be a full time farmer.

He and Mrs. Sweet had no idea that the lease would not be renewed; they did not create the petition. (Chairman Trask is of the opinion that Mr. Myette used a surrogate to create an internet campaign against the Board of Selectmen.) They enjoy living in Chester and do not wish to move. Their children like the schools. He didn't realize he had to 'sell' himself to the Board; he thought that his agreement was with the Trustees, not the Selectmen. He would like to be given a reason why the Selectmen are not renewing his lease.

Chairman Trask reiterated that the Selectmen believe the Farm needs to produce revenue and also that the Town should not be landlords. He is in favor of efficient, effective, and transparent government; he believes that the Farm is not operating this way. The Selectmen have no idea what is planted, nor do they see any educational components taking place. He inquired what the farm was producing; Mr. Sweet provided a map. Chairman Trask asked about the hay yield; Mr. Sweet was reluctant to say, but stated that he expected 50-75 bales per acre. He estimated that he used 1,000 last year and 'sold some'.

Chairman Trask also noted that the Selectmen have discussed separating the lease of the farmhouse from the remainder of the property; Mr. Sweet does not like that idea, as he 'needs all of the hay' for his horses.

Chairman Trask stated that the Trust should be providing assistance to Mr. Sweet, as he cannot be expected to farm all 400 acres by himself; Mr. Sweet does not want the Rockingham County Jail workers on the property.

Chairman Trask stated that a video had been created in 1996, when the Spring Hill Farm property had first been discussed; many things had been promised, and none delivered.

The meeting concluded at 3:25pm.

Respectfully Submitted,

Debra H. Doda  
Recording Secretary